

FARMVILLE NORTH CAROLINA



PERSONNEL POLICIES

AMENDED DECEMBER 6, 2016

BE IT RESOLVED by the Town Commissioners of the Town of Farmville that the following policies apply to the appointment, classification, benefits, salary, promotion, demotion, dismissal, and conditions of employment of the employees of the Town of Farmville.

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ARTICLE I. GENERAL PROVISIONS

Section 1. Purpose of the Policy

It is the purpose of this policy and the rules and regulations set forth to establish a fair and uniform system of personnel administration for all employees of the Town under the supervision of the Town Manager. This policy is established under authority of Chapter 160A, Article 7, of the General Statutes of North Carolina.

Section 2. At Will Employment

The employment relationship between the Town and the employee is terminable at the will of either at any time and with or without cause and with or without notice. No employee, officer or representative of the Town has any authority to enter into any agreement or representation, verbally or in writing, which alters, amends, or contradicts this provision or the provisions in these policies. For the purposes of this and other sections of this policy, the Town Manager's employment relationship shall be governed by the provisions of his/her Employment Agreement.

None of the benefits or policies set forth in these policies are intended, because of their publication, to confer any rights or privileges upon employees or to entitle them to be or remain employed by the Town.

These personnel policies do not create a contract, but are merely a set of guidelines. The Town explicitly reserves the right to modify any of the provisions of these policies at any time and without any notice to employees.

Section 3. Merit Principle

All appointments and promotions shall be made solely on the basis of merit. All positions requiring the performance of the same duties and fulfillment of the same responsibilities shall be assigned to the same class and the same salary range. No applicant for employment or employee shall be deprived of employment opportunities or otherwise adversely affected as an employee because of such individuals' race, color, religion, gender, national origin, political affiliation, non-disqualifying disability, age, marital status or veteran status.

Section 4. Responsibilities of the Town Commissioners

The Town Commissioners shall be responsible for establishing and approving personnel policies, the position classification and pay plan, and may change the policies and benefits as necessary.

They also shall make and confirm appointments when so specified by the general statutes.

Section 5. Responsibilities of the Town Manager

The Town Manager shall be responsible to the Town Commissioners for the administration and technical direction of the personnel program. The Town Manager shall appoint, suspend, and remove all Town employees except those elected by the people or whose appointment is otherwise provided for by law. The Town Manager shall make appointments, dismissals and suspensions in accordance with the Town Charter and other policies and procedures spelled out in other Articles of this Personnel Policy.

The Town Manager shall:

- a) Recommend rules and revisions to the personnel system to the Town Commissioners for consideration;
- b) Make changes as necessary to maintain an up to date and accurate position classification plan;
- c) Recommend necessary revisions to the pay plan;
- d) Determine which employees shall be subject to the overtime provisions of the Fair Labor Standards Act (FLSA);
- f) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- g) Perform such other duties as may be assigned by the Town Commissioners not inconsistent with this Policy; and
- h) Appoint an employee to the role of Human Resources Officer/Executive Assistant; in the absence of a Human Resources Officer/Executive Assistant, the Town Manager shall fulfill the role.

Section 6. Responsibilities of the Human Resources Officer/Executive Assistant

The responsibilities of the Human Resources Officer/Executive Assistant shall be to ensure the establishment, implementation and management of a modern personnel system reflecting the Equal Employment Opportunity and Non-discriminatory vision and values of the Town of Farmville. Those responsibilities include, but shall not be limited to, the following:

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- a) Recommend rules and revisions to the personnel system to the Town Manager for consideration;
- b) Recommend changes as necessary to maintain an up to date and accurate position classification plan;
- c) Recommend necessary revisions to the pay plan;
- d) Recommend which employees shall be subject to the overtime provisions of FLSA;
- e) Maintain a roster of all persons in the municipal service
- f) Establish and maintain a list of authorized positions in the municipal service at the beginning of each budget year which identifies each authorized position, class title of position, salary range, any changes in class title and status, position number and other such data as may be desirable or useful;
- g) Develop and administer such recruiting programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the Town;
- h) Investigate periodically the operation and effect of the personnel provisions of this policy; and
- i) Perform such other duties as may be assigned by the Town Manager not inconsistent with this Policy.

Section 7. Application of Policies, Plan, Rules and Regulations

The personnel policy and all rules and regulations adopted pursuant thereto shall be applicable to all Town employees. The Town Manager, Town Attorney, Town Commissioners, advisory boards and commissions will be exempt except in sections where specifically included. An employee violating any of the provisions of this policy shall be subject to appropriate disciplinary action, as well as prosecution under any civil or criminal laws which have been violated.

Section 8. Departmental Rules and Regulations

Because of particular personnel and operational requirements of the various departments of the Town, each department may be authorized to establish supplemental written rules and regulations applicable only to the personnel of that department. All such rules and regulations shall be subject to the approval of the Town Manager, and shall not in any way conflict with the

provisions of this Policy, but shall be considered as a supplement to this Policy. Departments with approved supplemental rules and regulations shall have each employee sign a form acknowledging receipt of such supplemental rules and regulations. Each signed acknowledgement form shall be submitted to the Human Resources Officer/Executive Assistant for inclusion in the employee's personnel file.

Section 9. Definitions

For the purposes of this policy, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Adverse Action. A demotion, dismissal, reduction in pay, layoff, suspension, or an involuntary transfer.

Allocated Position. An allocated position is authorized as a regular position by the Town Commissioners. Regular allocated positions are assigned a specific job title, salary grade, salary range, duties, and minimum qualifications. Appointments to allocated positions are made through a competitive selection process. All town positions are subject to budget review and approval each year by the Town Commissioners.

Compensatory Time (Comp. Time). A form of compensation for overtime hours worked where the employee is provided time off from work rather than receiving monetary compensation.

Continuous Service. Years of regular service with the Town of Farmville without a termination and rehire of employment. This does not include Family and Medical leaves of absence.

Fair Labor Standards Act (FLSA). The Federal law establishing the standards by which employees are classified and administered with regard to work-week or work-period and compensation for overtime hours worked.

FLSA Exempt Status. An employee working in a position not eligible for overtime compensation.

FLSA Non-Exempt Status. An employee working in a position eligible for overtime compensation for all hours worked in excess of 40 during the established workweek or, in the case of sworn law enforcement officers, all hours worked over.

Grievance. A claim or complaint based upon an event or condition which affects the circumstances under which an employee works, allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment expectations.

Immediate Family. Immediate family, for purposes of these policies, means employee's spouse,

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guardian, children (including step children), brother, sister, parent (including step parent), grand parent, grandchild, in-laws of the employee and anyone living as a part of the household of the employee.

Pay Status. When an employee is working or is on paid leave (holiday, sick or vacation leave).

Probationary Employee. A person appointed to an allocated position who has not yet successfully completed the designated probationary period. A probationary employee may be rejected, dismissed, demoted or suspended without the right to appeal. An employee who successfully completes the probationary period will be considered a regular employee of the Town.

Probationary Period. The initial six (6) months (12 months for Sworn Law Enforcement Officers and Part-Time employees) of employment or promotion representing the period of observable work performance to determine the suitability and ability of the employee to satisfactorily perform the duties and responsibilities of the position. The Probationary Period may be extended up to an additional six (6) months but shall not exceed twelve (12) months (18 months for Sworn Law Enforcement Officers and Part-Time employees).

Regular Full-Time Employee. A person appointed to an allocated position, for which an average workweek equals 37.5 or more hours and is budgeted for a minimum of twelve months. Regular full-time employees are eligible for all employee benefits.

Regular Part-Time Employee. A person appointed to a part-time allocated position and normally works at least 20 hours and less than 37.5 hours per workweek and is budgeted for a minimum of twelve months.

Seasonal Employees. A person hired by a department to work for a period of less than 120 days.

Temporary Employee. A person hired by a department to perform additional extra help. Many work on a seasonal or short-term basis. Temporary employees are paid on an hourly basis only for hours actually worked and cannot work more than 40 hours in a workweek. They are not eligible for benefits except those mandated by State and Federal government. The temporary period of employment shall not exceed 12 months.

Trainee. An employee status when an applicant is hired (or employee promoted) who does not meet all of the requirements for the position. During the duration of a trainee appointment, the employee is on probationary status.

Work Period. The Town's established period of scheduled work hours for Sworn Law Enforcement Officers comprised of periods of 168 hours during 28 days; 84 hours during 14 days; or 42 hours during 7 days.

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Work Week. The Town's established period of scheduled work hours for all employees, excluding Sworn Law Enforcement Officers, consisting of 40 hours during a seven-day period.

ARTICLE II. POSITION CLASSIFICATION PLAN

Section 1. Purpose

The position classification plan provides a complete inventory of all authorized positions in the Town service, and an accurate description and specification for each class of employment. The plan standardizes job titles, each of which is indicative of a definite range of duties and responsibilities.

Section 2. Composition of the Position Classification Plan

The classification plan shall consist of:

- a) A grouping of positions in classes which are approximately equal in difficulty and responsibility which call for the same general qualifications, and which can be equitably compensated within the same range of pay under similar working conditions;
- b) Class titles descriptive of the work of the class;
- c) Written specifications for each class of positions; and
- d) An allocation list showing the class title of each position in the classified service.

Section 3. Use of the Position Classification Plan

The classification plan is to be used:

- a) As a guide in recruiting and examining applicants for employment;
- b) In determining lines of promotion and in developing employee training programs;
- c) In determining salaries to be paid for various types of work;
- d) In determining personnel service items in departmental budgets; and
- e) In providing uniform job terminology.

Section 4. Administration of the Position Classification Plan

The Town Manager, assisted by the Human Resources Officer/Executive Assistant shall allocate each position covered by the classification plan to its appropriate class, and shall be responsible for the administration of the position classification plan. The Town Manager shall periodically review portions of the classification plan and make minor revisions to insure classifications accurately reflect current job duties and responsibilities. The Town Manager shall also periodically review the entire classification plan and, when needed, recommend appropriate changes to the Town Commissioners.

Section 5. Authorization of New Positions and the Position Classification Plan

New positions shall be established upon recommendation of the Town Manager and approval of the Town Commissioners. New positions shall be recommended to the Town Commissioners with a recommended class title and salary grade assignment. The position classification plan, along with any new positions or classifications shall be approved by the Town Commissioners and on file with the Human Resources Officer/Executive Assistant. Copies will be available to all Town employees for review upon request.

Section 6. Request for Reclassification

Any employee who considers the position in which classified to be improper shall submit a request in writing for reclassification to such employee's immediate supervisor, who shall immediately transmit the request through the department head to the Human Resources Officer/Executive Assistant. Upon receipt of such request, the Human Resources Officer/Executive Assistant shall study the request, determine the merit of the reclassification, and recommend any necessary revisions to the classification and pay plan to the Town Manager. The Town Manager will respond to this request within ten working days.

Department heads are responsible for identifying changes in job duties that may result in a position being misclassified and making the Manager aware of the need for a review of the position classification.

ARTICLE III. THE PAY PLAN

Section 1. Definition

The pay plan includes the basic salary schedule and the "Assignment of Classes to Grades" adopted by the Town Commissioners. Each position is assigned a classification title and each title is assigned to a salary grade with a specific salary range. Positions are assigned to grades within the pay plan based on the duties and responsibilities assigned. Positions with more complex tasks, more responsibility, or requiring more technical knowledge are assigned to higher salary ranges than positions with lower responsibilities or knowledge requirements. Salary ranges are set based on two components: competitiveness with the market and internal equity with similar position and occupational groups. The salary range consists of the minimum (normal hiring rate), mid-point, and maximum rates of pay for all classes of positions.

Section 2. Administration and Maintenance

The Town Manager, assisted by the Human Resources Officer/Executive Assistant, shall be responsible for the administration and maintenance of the pay plan. All employees covered by the pay plan shall be paid at a rate listed within the salary range established for the respective position classification, except for employees in trainee status or employees whose existing salaries are above the established maximum rate following transition to a new pay plan. Periodically, the Town Manager shall recommend a cost of living or market adjustment amount based on an analysis of the consumer price index and of the adjustments in other local governments. When cost of living or market adjustments are approved by the Town Commissioners, the salary plan may be adjusted by that amount so that hiring rates and maximum rates of pay remain competitive in the market.

The pay plan is intended to provide equitable compensation for all positions, reflecting differences in the duties and responsibilities, the comparable rates of pay for positions in private and public employment in the area, changes in the cost of living, the financial conditions of the Town, and other factors. To this end, from time to time the Town Manager shall request the Human Resources Officer/Executive Assistant to make comparative studies of all factors affecting the level of salary ranges and may make minor adjustments in the allocation of positions to salary grades. Approximately every three to five years the Town will conduct a comprehensive classification and pay study to update the plan insuring internal equity and external competitiveness. When major adjustments encompassing numerous positions are needed, or when a general adjustment is needed to the pay plan, the Town Manager shall recommend such changes in salary ranges as appear to be warranted to the Town Commissioners. Effective with the beginning of each fiscal year the Town Commissioners shall adopt the "Assignment of Classes to Grades and Ranges," including any adjustments recommended by the Town Manager.

Section 3. Starting Salaries

All persons hired or promoted into positions approved in the position classification plan shall be compensated at the hiring rate for the classification in which they are employed. Appointments above the minimum may be made with the recommendation of the department head and upon approval of the Town Manager when deemed in the best interest of the Town, and will be based on such factors as exceptional qualifications of the applicant being much higher than the required education and experience for the class, shortage of qualified applicants, equal pay justification or operational need.

Section 4. Trainee Designation and Provisions

Applicants being considered for employment or Town employees who do not meet all of the requirements for the position for which they are being considered may be hired, promoted, demoted, or transferred to a "trainee" status. In such cases, a plan for training, including a time schedule, must be prepared by the department head. "Trainee" salaries shall be equal to the hiring rate established for the position for which the person is being trained. A new employee designated as "trainee" shall concurrently serve a probationary period. However, probationary periods shall be no less than six months and trainee periods may extend from three to eighteen months. A trainee shall remain a probationary employee until the trainee period is satisfactorily completed.

If the training is not successfully completed to the satisfaction of the Department Head and Town Manager, the trainee shall be transferred, demoted, or dismissed. If the training is successfully completed, the employee shall be paid at least at the hiring rate established for the position for which the employee was trained.

Section 5. Probationary Pay Increases

Employees hired or promoted shall receive a salary increase of 5% if the employee is below the midpoint of the salary range, and 2.5% if the employee is above midpoint of the salary range upon successful completion of probation. Employees serving a twelve-month probationary period are eligible for consideration for this pay increase after six months of successful employment. If the employee serving a twelve-month probationary period receives the probationary increase at six months, the employee will not be eligible for a similar increase at the end of the twelve-month probationary period.

Section 6. Performance Pay

An annual performance evaluation shall be completed at the beginning of each calendar year for each regular status full-time employee. Consultation between the employee and supervisor

regarding performance at times other than the annual performance evaluation is anticipated and encouraged under this policy and shall be considered to supplement rather than replace the annual performance evaluation. Upward movement within the established salary range for an employee is not automatic but rather based upon specific performance-related reasons. Employees may be considered for advancement within the established salary range based on the quality of their overall performance. Procedures for determining performance levels and performance pay increases shall be established in procedures approved by the Town Manager. Performance pay is subject to annual appropriation.

Section 7. Performance Pay Bonus

Employees who are at the maximum of the salary range for their position classification are eligible to be considered for a performance bonus at their regular performance evaluation time. Performance bonuses shall be awarded based upon the performance of the employee as described in the performance evaluation and shall be the same percentage of annual salary as employees within the salary range with the same performance level. Performance bonuses do not become part of base pay and shall be awarded in a lump sum payment.

Section 8. Salary Effect of Promotions, Demotions, Transfers and Reclassifications

Promotions. When an employee is promoted, the employee's salary shall normally be advanced to the hiring rate of the new position, or to a salary which provides an increase of at least 5% over the employee's salary before the promotion, provided the new salary may not exceed the maximum rate of the new salary range. The purpose of the promotion pay increase is to recognize and compensate the employee for taking on increased responsibility.

Demotions. When an employee is demoted to a position for which qualified, the salary shall be set at the rate in the lower pay range which provides a salary commensurate with the employees' qualifications to perform the job and consistent with the qualifications and placement of other employees within the same classification in that salary range. If the current salary is within the new range, the employee's salary may be retained at the previous rate if appropriate. If the demotion is the result of discipline, the salary shall be decreased at least 5%. Salaries of demoted employees will be adjusted to fall within the new range relative to other employees with similar qualifications and experience.

Transfers. The salary of an employee reassigned to a position in the same class or to a position in a different class within the same salary range shall not be changed by the reassignment.

Reclassifications. An employee whose position is reclassified to a class having a higher salary range shall receive a pay increase of 5% or an increase to the hiring rate of the new pay range, whichever is higher, if the employee's salary is below midpoint of the new range. If the employee has

completed probation, the employee's salary shall be advanced to at least the minimum (probation completion) amount in the new range. If the employee's salary is above the midpoint of the new range, the employee shall receive an increase of 2.5%.

If the position is reclassified to a lower pay range, the employee's salary shall remain the same. If the employee's salary is above the maximum established for the new range, the salary of that employee shall be maintained at the current level until the range is increased above the employee's salary.

Section 9. Salary Effect of Salary Range Revisions

When a class of positions is assigned to a higher salary range, employees in that class shall receive a pay increase of at least 5%, or to the hiring rate of the new range, whichever is higher, if the employee's current salary is below the midpoint of the new salary range. If the employee's salary is above the midpoint of the new range, the employee shall receive an increase of 2.5%.

When a class of positions is assigned to a lower salary range, the salaries of employees in that class will remain unchanged. If this assignment to a lower salary range results in an employee being paid at a rate above the maximum established for the new class, the salary of that employee shall be maintained at that level until such time as the employee's salary range is increased above the employee's current salary.

Section 10. Transition to a New Salary Plan

The following principles shall govern the transition to a new salary plan:

- 1) No employee shall receive a salary reduction as a result of the transition to a new salary plan.
- 2) All employees being paid at a rate lower than the hiring rate established for their respective classes shall have their salaries raised at least to the new hiring rate for their classes.
- 3) All employees being paid at a rate below the maximum rate established for their respective classes shall be paid at a rate within the salary schedule.
- 4) All employees being paid at a rate above the maximum rate established for their respective classes shall be maintained at that salary level until such time as the employees' salary range is increased above the employees' current salary.

Section 11. Effective Date of Salary Changes

Salary changes approved after the first working day of a pay period shall become effective at the beginning of the next pay period or at such specific date as may be provided by procedures approved by the Town Manager.

Section 12. Overtime Pay Provisions

Employees of the Town can be requested and may be required to work overtime hours as necessitated by the needs of the Town and determined by the Department Head. All overtime hours worked must be authorized in advance by appropriate management. To the extent that local government jurisdictions are so required, the Town will comply with the Fair Labor Standards Act (FLSA). The Human Resources Officer/Executive Assistant shall recommend which jobs are "non-exempt" and are therefore subject to the Act in areas such as hours of work and work periods, rates of overtime compensation, and other provisions.

Non-exempt employees will be paid at a straight time rate for hours up to the FLSA established limit for their position (usually 40 hours in a 7 day period; 171 hours for police and 212 for fire personnel in a 28 day cycle). Hours worked beyond the FLSA established limit will be compensated in either compensatory time or pay at the appropriate overtime rate. In determining eligibility for overtime in a work period, only hours actually worked shall be considered. In no event will holidays, vacation, sick, or compensatory leave hours be counted toward the total hours worked for the purpose of overtime compensation.

Whenever practicable, departments will schedule time off on an hour-for-hour basis within the applicable work period (work period is seven days except for law enforcement) for non-exempt employees, instead of paying overtime. When time off within the work period cannot be granted, overtime worked will be compensated in accordance with the FLSA.

In emergency situations, where employees are required to work long and continuous hours, the Town Manager will either approve payment at time and one half for those hours worked over the applicable FLSA overtime limit in a work week or grant time off with pay for rest and recuperation to ensure safe working conditions.

Employees in positions determined to be "exempt" from the FLSA (for example Professional staff) will not receive pay for hours worked in excess of their normal work periods. These employees may be granted compensatory leave, up to a maximum of 40 hours, by their supervisor where the convenience of the department allows and in accordance with procedures established by the Town Manager. Such compensatory time is not guaranteed to be taken and ends without compensation upon separation from employment with the Town.

Section 13. Call-back and Stand-by Pay

The Town provides a variety of critical emergency services twenty-four hour a day, seven day a week. Therefore, it is necessary for certain employees to respond to any reasonable request for duty at any hour of the day or night. Stand-by time is defined as that time when an employee must carry a pager or other communication device and must respond immediately to calls for service. One of the conditions of employment with the Town is the acceptance of a share of the responsibility for continuous service, in accordance with the nature of each position. If an employee fails to respond to reasonable calls for emergency service, either special or routine, the employee shall be subject to disciplinary actions up to and including dismissal.

Non-exempt employees are deemed to be on standby when they are scheduled to be called out for duty during non-business hours (nights, weekends, and holidays). Stand-by time is normally assigned in seven day increments. Employees designated for stand-by time must be fit for duty (not under the influence of any alcohol or drugs) and able to respond within 30 minutes. Stand-by schedule changes must be approved in advance by the department head.

The Town of Farmville shall compensate employees for duty after hours and standby under the following procedures:

- a. Stand-by personnel approved by the Town Manager shall receive an additional eight (8) hours of compensation, at their normal rate, for that stand-by week. In addition to standby compensation, these employees, when called out, shall receive a minimum of two hours compensation at their normal rate or compensation for actual hours worked, whichever is greater. The total hours worked during the work week shall be used for calculating overtime eligibility.
- b. Employees who are not on scheduled standby, but are called in for duty after regular hours, shall receive a minimum of two hours compensation at time and one half their normal rate for those hours worked or time and one half their normal rate for actual hours worked, whichever is greater, regardless of the hours worked during the pay cycle. A modification of work schedule with reasonable notice will not result in overtime compensation.
- c. For all hours worked above a normal work cycle (40 hours per week, and 171hrs/28 day cycle for police officers), overtime or compensatory time shall be computed at one and one half times the employee's normal rate.

Section 14. Payroll Deduction

Deductions shall be made from each employee's salary, as required by law. Additional deductions may be made upon the request of the employee on determination by the Town Manager as to capability of payroll equipment and appropriateness of the deduction.

Section 15. Hourly Rate of Pay

Employees working in a part-time or temporary capacity with the same duties as full-time employees will work at a rate in the same salary range as the full-time employees. The hourly rate for employees working other than 40 hours per week, such as police officers working an average 42 hours per week, will be determined by dividing the average number of hours scheduled per year into the annual salary for the position.

Section 16. Pay for Interim Assignment in a Higher Level Classification

An employee who is formally designated for a period of at least one month to perform the duties of a job that is assigned to a higher salary grade than that of the employee's regular classification shall receive an increase for the duration of the interim assignment. The employee shall receive a salary adjustment to the entry level (Hiring rate) of the job in which the employee is assigned or an increase of 10%, whichever is greater. The salary adjustment shall be temporary and the employee shall go back to the salary he or she would have had if not assigned to the interim role upon completion of the assignment.

Section 17. Christmas Bonus

Full-time employees of the Town may be compensated for years of service by payment of a Christmas Bonus supplement based on continuous years of service as of December 31st of each year if funds are appropriated. Continuous years of service is employment with the Town of Farmville including any approved leave. If a current eligible employee has a break-in-service as a result of an involuntary reduction in force and who was returned to work under the provisions of these policies, the applicable period of absence, as a result of the reduction in force, shall be counted as continuous employment for the purposes of this section. The rules and regulations regarding continuous service in accordance with the Family and Medical Leave Act as well as Military Leave shall also be applicable to this section.

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Christmas Bonus:

Years of Service	Regular Employee Amount
Less than 5 years	\$250
5 years but less than 10 years	\$500
10 years but less than 15 years	\$1,000
15 years but less than 20 years	\$1,500
20 years but less than 25 years	\$2,000
25 or more years	\$2,500

Part Time employees shall be paid a flat rate of \$150, regardless of tenure with the Town or prior regular employee status.

ARTICLE IV. RECRUITMENT AND EMPLOYMENT

Section 1. Equal Employment Opportunity Policy

The Town of Farmville fosters, maintains and promotes a consistent recruitment program to promote equal employment opportunity and to identify and attract the most qualified applicants for all vacancies. This intent is achieved through consistency in announcing all vacancies, evaluating all applicants on the same criteria, providing reasonable accommodations as needed, and by applying consistent testing methods when applicable. The Town shall select employees on the basis of the applicant's qualifications for the job and with respect to compensation and opportunity for training and advancement, including upgrading and promotion, without regard to age, gender, race, color, religion, national origin, non-qualifying disability, political affiliation, veteran status or marital status.

Section 2. Implementation of Equal Employment Opportunity Policy

All personnel responsible for recruitment and employment will continue to review regularly the implementation of this personnel policy and relevant practices to assure that equal employment opportunity based on reasonable, job-related requirements is being actively observed to the end that no employee or applicant for employment shall suffer discrimination because of age, gender, race, color, religion, national origin, non-qualifying disability, political affiliation, veteran status or marital status. Notices with regard to equal employment matters shall be posted in conspicuous places on Town premises in places where notices are customarily posted.

Section 3. Recruitment, Selection and Appointment

Recruitment Sources. When position vacancies occur, the Human Resources Officer/Executive Assistant shall publicize these opportunities for employment, including applicable salary information and employment qualifications. Open positions should be posted for a minimum of seven calendar days prior to an offer being made. Information on job openings and hiring practices will be published in local and/or other news media as necessary to inform the community and create a quality and diverse pool of applicants. In addition, notice of vacancies may be posted at designated conspicuous sites within departments. Individuals shall be recruited from a geographic area as wide as necessary and for a period of time sufficient to ensure well-qualified applicants are obtained for Town service. The North Carolina Division of Employment Security may be used as a recruitment source. In rare situations because of emergency conditions, high turnover, etc., the Town may hire or promote without advertising jobs, upon approval of the Town Manager.

Job Advertisements. Vacancies may be advertised in local newspapers, professional publications, and other relevant publications in order to establish a diverse and qualified applicant pool. The North Carolina Division of Employment Security may also be used as a recruitment source.

Employment advertisements shall contain assurances of equal employment opportunity and shall comply with Federal and State statutes.

Application for Employment. All persons expressing interest in employment with the Town shall be given the opportunity to file an application for employment for positions which are currently being recruited.

Selection. Department Heads, with the assistance of the Human Resources Officer/Executive Assistant as needed, shall make such investigations and conduct such examinations as necessary to assess accurately the knowledge, skills, and experience qualifications required for the position. All selection devices administered by the Town shall be valid measures of job performance.

Appointment. The Department Head shall recommend approval of appointments and the starting salary for all applicants to the Town Manager.

Section 4. Probationary Period

An employee appointed, promoted or transferred to a regular position shall serve a probationary period. Employees shall serve a six-month probationary period, except that part-time employees, sworn police officers and fire personnel shall serve a twelve month probationary period. Employees hired as trainees shall remain on probation until the provisions of their traineeship are satisfied. During the probationary period, supervisors shall monitor an employee's performance and communicate with the employee concerning performance progress. Before the end of the probationary period, the supervisor shall conduct a performance evaluation conference with the employee and discuss accomplishments, strengths, and needed improvements. A summary of this discussion shall be documented in the employee's personnel file. The supervisor shall recommend in writing whether the probationary period should be completed, extended, or the employee transferred, demoted, or dismissed. Probationary periods may be extended for a maximum of six additional months.

Disciplinary action, including demotion and dismissal, may be taken at any time during the probationary period of a new hire without following the steps outlined in this Policy for disciplinary action. A promoted employee who does not successfully complete the probationary period may be transferred or demoted to a position in which the employee shows promise of success. If no such position is available, the employee shall be dismissed. Promoted and demoted employees retain all other rights and benefits such as the right to use the grievance procedures and to graduated disciplinary procedures.

See Article III, Section 5 for detailed information regarding probationary period salary adjustments.

Section 5. Promotion

Promotion is the movement of an employee from one position to a vacant position in a class assigned to a higher salary grade. The Town will promote and provide career opportunities for its employees whenever possible. Therefore, when a current employee applying for a vacant position is best suited of all applicants, that applicant shall be appointed to that position. The Town will balance three goals in the employment process: 1) obtaining the best possible employee who will provide the most productivity in that position; 2) providing equal employment opportunity and a diversified workforce to the community; and 3) the benefits to employees and the organization of promotion from within. Therefore, except in rare situations where previous Town experience is essential, or exceptional qualifications of an internal candidate so indicate, the Town will consider external and internal candidates rather than automatically promote from within. Candidates for promotion shall be chosen on the basis of their qualifications and their work records. Internal candidates shall apply for promotions using the same application process as external candidates.

Department heads are responsible for developing staff capacity to provide back-up for coworkers and higher level positions; to prepare staff and the organization for smooth transitions; and to insure capability to cover interim absences and vacancies.

See Article III, Section 8 for detailed information regarding promotional salary adjustments.

Section 6. Demotion

Demotion is the movement of an employee from one position to a position in a class assigned to a lower salary grade. Demotion may be voluntary or involuntary. An employee whose work or conduct in the current position is unsatisfactory may be demoted provided that the employee shows promise of becoming a satisfactory employee in the lower position. Such disciplinary demotion shall follow the disciplinary procedures outlined in this policy.

An employee who wishes to accept a position with less complex duties and reduced responsibilities may request a voluntary demotion by using the same application process as external candidates. A voluntary demotion is not a disciplinary action and is made without using the disciplinary procedures outlined in this policy.

See Article III, Section 8 for detailed information regarding salary adjustments as the result of a demotion.

Section 7. Transfer

Transfer is the movement of an employee from one position to a position in a class in the same salary grade. If a vacancy occurs and an employee in another department is eligible for a transfer, the employee shall apply for the transfer using the usual application process. The Department Head wishing to transfer an employee to a different department or classification shall make a

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recommendation to the Town Manager with the consent of the receiving department head. Any employee transferred without requesting the action may appeal the action in accordance with the grievance procedure outlined in this policy. An employee who has successfully completed a probationary period may be transferred into the same classification without serving another probationary period.

See Article III, Section 8 for detailed information regarding salary adjustments as the result of a transfer.

ARTICLE V. CONDITIONS OF EMPLOYMENT

Section 1. Work Schedule

Department heads shall establish work schedules, with the approval of the Town Manager, which meet the operational needs of the department in the most cost effective manner possible.

Section 2. Political Activity

Each employee has a civic responsibility to support good government by every available means and in every appropriate manner. Each employee may join or affiliate with civic organizations of a partisan or political nature, may attend political meetings, may advocate and support the principles or policies of civic or political organizations in accordance with the Constitution and laws of the State of North Carolina and in accordance with the Constitution and laws of the United States. However, no employee shall:

- a) Engage in any political or partisan activity while on duty;
- b) Use official authority or influence for the purpose of interfering with or affecting the result of a nomination or an election for office;
- c) Be required as a duty of employment or as condition for employment, promotion or tenure of office to contribute funds for political or partisan purposes;
- d) Coerce or compel contributions from another employee of the Town for political or partisan purposes;
- e) Use any supplies or equipment of the Town for political or partisan purposes; or
- f) Be a candidate for nomination or election to an office under the Town Charter;

Any violation of this section shall subject the employee to disciplinary action including dismissal.

Section 3. Outside Employment

The work of the Town shall have precedence over other occupational interests of employees. The Town understands that for various reasons employees may seek to hold other jobs while continuing to work for the Town. Outside employment is prohibited when it would create a conflict of interest or interfere with the employees' ability to perform work for the Town in a satisfactory manner. Before an employee begins working at another outside position, he or she must obtain approval from the Department Head. The Department Head will review such requests

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for possible conflict of interest and then submit a record of the employment review to the employee's personnel file. Failure to obtain permission or accepting another position after permission has been denied, will be grounds for disciplinary action, up to and including termination. In addition, if an employee's outside position interferes with the employee's ability to work at the Town, the employee will be subject to discipline for poor performance or poor attendance in accordance with normal disciplinary policy.

Examples of conflicts of interest in outside employment *include but are not limited to*:

- a) Employment with organizations or in capacities that are regulated by the employee or employees department; or
- b) Employment with organizations or in capacities that negatively impact the employees perceived integrity, neutrality, or reputation related to performance of the employees Town duties.

Employees are prohibited from other employment while on a leave of absence (Workers' Compensation Leave, Family Medical Leave, etc.) from the Town.

Section 4. Dual Employment

A full or part-time employee of the Town may simultaneously hold another temporary position with the Town if the temporary position is in a different department and clearly different program area from that of the full or part-time position and the employment in the temporary position is performed on an occasional or sporadic basis as identified in Fair Labor Standards Act regulations. However, the work of the full or part-time position shall take precedence over the temporary position, and such temporary work will not count toward the calculation of overtime for pay or time off.

Section 5. Employment of Relatives

The Town is committed to the highest standards of professional conduct and integrity and believes that familial relationships in the workplace can result in conflicts of interest, or an appearance of conflict of interest, and/or situations that might impair objective judgment or create a hostile work environment.

The Town permits the hiring and employment of immediate family members in regular positions within the same work unit or department provided employment of the individual is based on his or her qualifications, experience, and training.

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The Town prohibits the employment of any person into a regular position who is an immediate family member of individuals holding the following positions: Mayor, Mayor Pro Tem, Town Commissioner, Town Manager, or Town Attorney.

The Town will consider employing family members or related persons in the service of the Town, provided the following limitations are met:

- 1) Employment will not result in a relative directly supervising a relative;
- 2) Employment will not result in a relative auditing the work of a relative;
- 3) An employee will not participate in the hiring, promotion, or disciplinary process of any relative or exercise other duties that create a work relationship where the supervisor effectively controls the terms and conditions of the relative's employment.
- 4) Employment will not result in an employee working in the same department as a relative who serves as the department head.

Section 6. Harassment

The Town of Farmville prohibits, and will not tolerate, sexual harassment or harassment on the basis of race, color, religion, gender, national origin, political affiliation, non-disqualifying disability, age, marital status or veteran status. Harassment complaints or allegations will be investigated promptly and where it is determined that such inappropriate conduct has occurred, we will act immediately to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action up to and including dismissal.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when 1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or 3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment, other than sexual, is verbal or physical conduct that denigrates or shows hostility or aversion towards an individual because of race, color, religion, gender, national origin, political affiliation, non-disqualifying disability, age, marital status or veteran status, which has the purpose or effect of creating an intimidating, hostile, or offensive work environment or unreasonably interferes with an individual's work performance or otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to, epithets, slurs, negative stereotyping, or threatening, intimidating, hostile acts. Written or graphic material which

denigrates or indicates hostility or aversion toward an individual or group is prohibited from display on the employer's premises, or circulation in the workplace.

Any employee who believes he or she may have a complaint of harassment or who knows of or suspects the occurrence of forbidden harassment is responsible for informing the Human Resources Officer/Executive Assistant or the Town Manager of the facts regarding such harassment so that they may promptly and thoroughly conduct an investigation. Supervisors and Departments Heads who receive a harassment complaint are to contact the Human Resources Officer/Executive Assistant or Town Manager immediately. The Human Resources Officer/Executive Assistant will ensure that an investigation is conducted into any allegation of harassment and advise the employee and appropriate management officials of the outcome of the investigation.

If an investigation confirms that unlawful harassment occurred, the Town will take immediate corrective action, including discipline up to and including immediate termination of employment of the harassing party as may be appropriate. Employees making complaints of sexual harassment are protected against retaliation from alleged harassers or other employees.

Section 7. Solicitation and Acceptance of Gifts and Favors

No official or employee of the Town shall solicit or accept any gift, favor, or thing of value (more than \$50) gratuities, discounts or price breaks, or entertainment from any person, organization or group with which he or she has official, enforcement or regulatory relationships that may tend to influence such official or employee in the discharge of the their duties, or grant in the discharge of duty an improper favor, service, or thing of value.

Section 8. Performance Evaluation

Supervisors and/or Department Heads shall conduct performance evaluation conferences with each employee at least once a year to review the employee's accomplishments and strengths, areas for improvement, goals for the next year, and overall performance level. These performance evaluations shall be documented in writing and placed in the employee's personnel file. Procedures for the performance evaluation program shall be published by the Town Manager.

Section 9. Safety

Safety is the responsibility of both the Town and employees. It is the policy of the Town to establish a safe work environment for employees. The Town shall administer a safety program including policies and procedures regarding safety practices, precautions and training in safety methods. Department Heads and supervisors are responsible for ensuring the safe work procedures of all

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employees and providing necessary safety training programs. Employees shall follow the safety policies and procedures and attend safety training programs as a condition of employment. Employees who violate such policies and procedures shall be subject to disciplinary action up to and including dismissal.

Section 10. Direct Deposit

Employees are required to participate in the Town's direct deposit program.

Section 11. Drug Free Work Place

The Town is concerned with the safety of both employees and the public. As such, the Town provides a drug free workplace for all employees and conducts pre-employment, random, post-accident, and reasonable suspicion drug testing in addition to any required by law. The Town has established a detailed policy and procedure relating to employee substance abuse and drug testing in order to ensure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations. Please refer to that policy for a detailed description of the Town's drug testing policy.

Section 12. Internet and E-mail Policy

All electronic communication devices and sources used for Town business are the property of the Town and, as such, will be monitored, audited and reviewed for proper use. Employees shall not make any intentional use of the Internet, email or other electronic communications devices or sources that is illegal, malicious, inappropriate or obscene. Improper use of the Internet, e-mail and other Town electronic business devices or sources will subject the employee to disciplinary action up to and including termination of employment. Internet access is restricted to workstations for positions that have a clear and on-going need for such access that will benefit the Town of Farmville. Refer to Appendix D for full details.

Section 13. Attendance

The Town depends on employees to provide needed services every day. Regular attendance is mandatory and is part of the work standards for all jobs. Poor attendance can negatively affect performance evaluations or may lead to disciplinary action. Excessive absenteeism or a chronic attendance problem can lead to disciplinary action up to and including termination.

Section 14. Adverse Weather

Adverse weather conditions occasionally disrupt work schedules and interfere with normal work-related activities. Regular employees are encouraged to report to work. However, the Town recognizes that factors such as transportation, school closings, and childcare arrangements are

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considerations. Non-required personnel are permitted to determine for themselves whether they can travel to and from work safely. Employees will be allowed to use accrued compensatory time or vacation leave for any lost time from work if they are unable to arrive to their designated work area or need to leave early.

In serious adverse weather, the Town Manager may close or open late to the general public in the interest of safety. The Town Manager will determine all decisions to delay or close the Town offices related to adverse weather or other emergency conditions. When the Town's schedule is altered, operational status will be available through news media outlets, Town e-mail, Internet and normal supervisory channels. Employees whose presence is not required will not be docked leave or pay for regularly-scheduled work hours missed due to official closings or late openings. Employees who are not required by their departments to work during a Town closing but who do, in fact, work during the closed time frame must be paid their regular rate for all hours worked but will not receive paid time off.

Departments providing emergency and critical services 24 hours/day will remain open and employees will be required to work as usual. All law enforcement and emergency services personnel work hours will continue to be set at the discretion of the respective department head. In addition, there may be cases when department necessity may require that employees who had not been designated as emergency / critical must report to work (or remain at work) during an emergency situation (i.e. maintenance or snow removal) and will work such hours as needed. All employees required to work during adverse weather or emergency situations shall be paid at a rate of 1 ½ times their regular rate for all hours worked. Any employee failing to report to work when required shall be subject to disciplinary action, up to and including termination.

Section 15. Tobacco and Smoke Free Workplace

Smoking and the use of other tobacco products is strictly prohibited in Town of Farmville buildings and in town owned vehicles/equipment. This policy applies to all employees, clients, contractors, vendors, students, and visitors. Employees found to be in violation of this policy will be subject to the disciplinary actions as described in Article IX. Detailed policy language is located in Appendix C of this policy.

Section 16. Criminal Records Check

The Town of Farmville requires a criminal records check for all full-time and part-time employees once a conditional offer of employment has been extended by the hiring manager. Although a disqualification is possible, in accordance with federal and state laws, a previous conviction does not automatically disqualify an applicant from consideration for employment with the Town of Farmville. Depending on a variety of factors (for example, the nature of the position, the nature of the conviction, age of the candidate when the illegal activity occurred), the candidate may still be

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eligible for employment with the Town of Farmville.

However, if an applicant attempts to withhold information or falsify information pertaining to previous convictions, the employee will be disqualified from further employment consideration in any position with the Town of Farmville due to falsification of an application.

An offer of employment may be extended to an applicant prior to the completion of the criminal records check. However, the applicant's first day of work in the position must not be prior to the satisfactory completion of the criminal records check.

Section 17. Driving Records

The Town of Farmville has the responsibility to ensure, to the best of its ability, all vehicle operators are properly licensed and maintain a safe driving record. Current employees, volunteers, and applicants for employment must possess an appropriate and valid North Carolina driver's license in order to maintain or be appointed to positions requiring driving duties, whether it is a town-owned/leased vehicle or privately-owned/leased vehicle. All employees who drive or operate town-owned vehicles and/or equipment are subject to the provisions of the Driving Record Standards contained in the Appendix of this policy.

ARTICLE VI. EMPLOYEE BENEFITS

Section 1. Eligibility

As an integral part of a comprehensive, competitive compensation program, the Town offers a variety of benefits. Specific benefit programs will vary from time to time and the type, level, eligibility and cost of such programs are subject to change at any time at the sole discretion of the Town. To that end, the Town will periodically review each employee benefit and may, with or without notification, modify, delete or add benefits at its own discretion as may be deemed to be appropriate and necessary.

All regular full-time employees of the Town are eligible for employee benefits as described in this policy. These benefits are subject to change at the Town's discretion. Part-Time and Temporary employees are eligible only for workers' compensation and FICA.

The following employee benefits sections provide a brief summary and are not intended to be an all-inclusive benefits description. Please contact Human Resources for more detailed information regarding current benefits, eligibility, coverage and costs.

Section 2. Group Health and Hospitalization Insurance

The Town provides group health and hospitalization insurance programs for full-time employees, subject to annual appropriation by the Town Commissioners.

Information concerning cost and benefits shall be available to all employees from the Human Resources Officer/Executive Assistant.

Section 3. Group Life Insurance

The Town may elect to provide group life insurance for each employee subject to the stipulations of the insurance contract. Life insurance will be provided by the Town in the amount of \$10,000 for all full time employees. Employees may elect to purchase additional coverage to insure other family members at their expense subject to the stipulations of the insurance contract.

Section 4. Dental Insurance

Subject to annual appropriation by the Town Commissioners, the Town will pay 100% of the full time employees' premium for Dental Insurance.

Section 5. Other Optional Group Insurance Plans and Benefits

The Town may make other group insurance plans available to employees upon authorization of the Town Manager or Town Commissioners.

Section 6. Retirement

The Town provides a retirement income plan for regular full-time and part-time employees in accordance with the rules established by the North Carolina Local Governmental Employees' Retirement System (NCLGERS). All regular employees who are scheduled to work 1,000 or more hours during a calendar year are automatically enrolled in the NCLGERS upon successful completion of their probationary period of employment. Employees transferring from another NCLGERS employer shall be automatically enrolled effective with their first day of employment with the Town. Upon enrollment, employees contribute 6% of salary (deducted each pay period) while the Town pays an amount determined annually by the NCLGERS and as approved by the North Carolina General Assembly.

After one year as a contributing member, active employees are covered by a death benefit equal to the highest 12 months of salary in a row during the 24 months before you die, but no less than \$25,000 and no more than \$50,000. This benefit is provided to your beneficiary if you die during employment or within 180 days of the last day for which you were paid salary. With five years of service, you are eligible for disability retirement if you become disabled. Sworn Law Enforcement Officers are eligible for a Line-of-Duty Disability benefit beginning on their first day of employment. Booklets are available in Human Resources which provide more information about retirement benefits and information is available online at www.nctreasurer.com, the Retirement System's website.

Section 7. Supplemental Retirement Benefits

The Town may provide supplemental retirement benefits for employees working more than 1,000 hours annually for the Town. Sworn Law Enforcement Officers shall receive 401-K benefits as prescribed by North Carolina State Law and beginning on the first day of employment. Each general employee shall receive supplemental retirement benefits at the same time enrolled into the North Carolina Local Governmental Employees' Retirement System as determined by the Town Commissioners.

Section 8. Social Security

The Town, to the extent of its lawful authority and power, provides Social Security benefits for its eligible employees and eligible groups and classes of such employees.

Section 9. Workers' Compensation

All employees of the Town (full-time, part-time, and temporary) are covered by the North Carolina Workers' Compensation Act and are required to report all injuries arising out of and in the course of employment to their immediate supervisors at the time of the injury in order that appropriate action may be taken at once. This provision also applies to reactions to small pox vaccinations administered to Town employees under Section 304 of the Homeland Security Act. Such reactions shall be treated the same as any other workers compensation claim as regards leave and salary continuation.

Employees may use sick leave and/or vacation during the seven day waiting period before Workers' compensation benefits begin.

Responsibility for claiming compensation under the Workers' Compensation Act is on the injured employee, and such claims should be filed with the North Carolina Industrial Commission within five days of the date of injury. The Human Resources Officer/Executive Assistant will assist the employee in filing the claim.

Section 10. Unemployment Compensation

In accordance with Public Law 94-566 and subsequent amendments, local governments are covered by unemployment insurance. Town employees who are terminated due to a reduction in force or released from Town service may apply for benefits through the local Employment Security Commission office, where a determination of eligibility will be made.

Section 11. Law Enforcement Officers' Separation Allowance

In accordance with G.S. 143-166.42, the Town shall provide a special separation allowance to Sworn Law Enforcement Officers, as defined in G.S. 128-21(11b) or G.S. 143-166.50(a)(3), who retire and meet all of the following qualifications:

1. The officer must have completed 30 or more years of creditable service or have attained 55 years of age and completed five (5) or more years of creditable service; *and*
2. The officer must not yet have attained 62 years of age; *and*
3. The officer must have completed at least 5 years of continuous service as a law enforcement officer immediately preceding a service retirement. Any break in the continuous service required by this subsection because of disability retirement or disability salary continuation benefits shall not adversely affect an officer's qualification to receive the allowance, provided the officer returns to

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service within 45 days after the disability benefits cease and is otherwise qualified to receive the allowance.

As used in this section, "creditable service" means the service for which credit is allowed under the retirement system of which the officer is a member, provided that at least fifty percent (50%) of the service is as a law enforcement officer as herein defined.

Payment to the retired officer shall cease at the first of: (1) The death of the officer; (2) The last day of the month in which the officer attains 62 years of age; or (3) The first day of reemployment by a local government employer in any capacity.

Notwithstanding the provisions of subsection (3) a local government employer may employ retired officers in a public safety position in a capacity not requiring participation in the Local Governmental Employees' Retirement System, and doing so shall not cause payment to cease to those officers under the provisions of this section.

Section 12. Effective Date of Benefit Changes

Employees are given the opportunity annually during open enrollment to make changes in their medical plan, dental plan, and any other eligible benefit. In addition, employees may add or remove dependents within 30 days following an IRS-defined "qualifying event". Qualifying events must be reported to Human Resources within 30 days of the occurrence.

Section 13. Shared Leave

Employees may donate sick leave to qualified employees as shared leave. Shared leave allows a co-worker to continue to receive income when his/her sick leave is exhausted because of absence due to their own serious injury/illness or to care for spouse or child with a serious injury/illness. The procedures for the shared leave program shall be established and approved by the Town Manager. The procedures for Shared Leave are located in the Appendix B of this policy.

ARTICLE VII. HOLIDAYS AND LEAVES OF ABSENCE

Section 1. Policy

The policy of the Town is to provide vacation, sick, and holiday leave to all regular full-time employees, and to provide proportionately equivalent amounts to employees having average work weeks of different lengths. Leave balances should be printed on payroll checks or provided to employees with each paycheck, including net accrued sick leave, vacation, compensatory time, etc. An employee must be in a "pay status" for a minimum of 50% of the pay period in order to accrue leave.

Section 2. Holidays

The State of North Carolina Annual Holiday Schedule is hereby adopted and shall be advertised and made available to all employees each year by the Human Resources Office. Following are the observed Holidays:

New Year's Day	Labor Day
Martin Luther King, Jr.'s Birthday	Veterans Day
Good Friday	Thanksgiving Thursday and Friday
Memorial Day	Christmas
Independence Day	

Employees may take a paid holiday on their birthday. The birthday holiday must be approved in advance and must be taken in the month in which it occurs, but does not have to be taken on the actual birth date.

In order to receive a paid holiday, an employee must be in a paid status the work day before and the work day after the holiday. Being in a paid status means being at work or utilizing appropriate approved leave (e.g. - vacation, sick, compensatory time) for the day before and day after the designated holiday.

Section 3. Holidays: Effect on Other Types of Leave

Recognized holidays which occur during a vacation, sick or other leave period of any employee shall not be considered as vacation, sick, or other leave.

Section 4. Holidays: Compensation When Work is Required or Regularly Scheduled Off for Shift Personnel

Employees required to perform work on regularly scheduled holidays may be granted compensatory time off or be paid at their hourly rate for hours actually worked in addition to any holiday pay to which they are entitled. If a holiday falls on a regularly scheduled off-duty day for shift personnel, the employee shall receive the hours for paid holiday leave. Departments with employees working a shift schedule may elect to compensate those employees for working on the true holiday rather than the designated holiday. For the purposes of this section, the number of compensable paid holiday hours will be the number of regularly scheduled daily work hours. For example, 7.5 hours, 8 hours, 9 hours, 12 hours.

Section 5. Vacation Leave

Vacation leave is intended to be used for rest and relaxation, school appointments, and other personal needs. Vacation accrues from the first day of employment with the accrual rate determined by the length of service. Vacation leave may also be used by employees who wish to observe religious holidays other than those granted by the Town. Employees who wish to use leave for religious observances must request leave from their respective Department Heads. The Department Head will attempt to arrange the work schedule so that an employee may be granted vacation leave for the religious observance. Vacation leave for religious observance may be denied only when granting the leave would create an undue hardship for the Town. Vacation leave shall be taken only with the prior approval of the employee's Department Head.

Section 6. Vacation Leave: Use by Probationary Employees

Employees serving a probationary period following initial employment may accumulate vacation leave but shall not be permitted to take vacation leave during the first six months of the probationary period. Employees shall be allowed to take accumulated vacation leave after six months of service. This provision does not apply to Town employees who are promoted or transferred to a different position and who are serving a probationary period.

Section 7. Vacation Leave: Accrual Rate

Each full and part-time employee of the Town shall earn vacation at the following schedule, prorated by the average number of hours scheduled in the workweek:

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Years of Service	Days Accrued Per Year	Hours Accrued Per Month
0 – 5 Years	12	8
6 – 15 Years	15	10
16 – 20 Years	18	12
21 + Years	20	13.33

Vacation shall be accrued monthly. Employees working greater or fewer than forty hours will have accrual rates prorated based upon the formula in Section 16.

Section 8. Vacation Leave: Maximum Accumulation

Vacation leave may be accumulated without any applicable maximum until December 31st of each year. Effective the last payroll in the calendar year, any employee with more than 240 hours of accumulated vacation leave shall have the excess accumulation converted to sick leave so that only 240 hours are carried forward to January 1 of the next calendar year. Employees are not eligible to receive pay for excess vacation time not taken at this conversion time.

Persons hired on or before the 15th of the month shall earn vacation leave for that month. Those hired after the 15th begin earning in the following month.

Section 9. Vacation Leave: Manner of Taking

Employees should request vacation leave two weeks in advance. Employees shall be granted the use of earned vacation leave at those times designated by the Department Head which will least obstruct normal operations of the Town. Department Heads are responsible for ensuring that approved vacation leave does not hinder the effectiveness of service delivery. An exemption to this section may be granted by the Town Manager. Vacation may be taken in one-quarter hour increments.

Section 10. Vacation Leave: Payment upon Separation or Retirement

An employee who has successfully completed six months of the probationary period will normally be paid for accumulated vacation leave upon separation, subject to a 240 hour maximum, provided written notice is given to the supervisor at least two weeks in advance of the effective date of resignation (minimum of 30 days' notice for Department Heads). Any employee failing to give and work the written notice required by this section shall forfeit payment of accumulated vacation leave. The notice requirement may be waived by the Town Manager when deemed to be in the best interest of the Town. Employees who are involuntarily separated for failure in personal conduct or failure in performance shall forfeit payment for accumulated vacation leave.

An employee retiring under the provisions of the North Carolina Local Governmental Employees Retirement System may have any excess vacation (above the 240 hour maximum) converted to

sick leave and used for retirement service credit.

Section 11. Vacation Leave: Payment upon Death

The estate of an employee who dies while employed by the Town shall be entitled to payment of all the accumulated vacation leave credited to the employee's account not to exceed the 240 hour maximum limit.

Section 12. Sick Leave

Sick leave benefits are a privilege and not a right that an employee may demand. Sick leave may be granted to an employee absent from work for any of the following reasons: sickness, bodily injury, temporary disabilities, required physical or dental examinations or treatment, or exposure to a contagious disease, when continuing work might jeopardize the health of others. Sick leave is not intended to provide time off for recreation, personal reasons or to extend vacations. Notwithstanding the procedures described in this Article, employees will use accrued comp time before using accrued sick leave.

Sick leave may be used when an employee must care for a member of his or her immediate family who is ill or needs medical care. "Immediate family", for purpose of this policy, shall be defined as spouse, children (including step children), parent (including step parents), sibling, grandparent, and grandchild of the employee.

Sick leave may be used in the immediate family requiring care by the employee, birth of a child, death of a member of the employee's immediate family. (Maximum three days – if additional leave time is needed by the employee and if the employee has leave available, the Department Head may make the decision to allow employee to take additional leave, including comp time, sick leave and/or vacation leave.)

Sick leave may also be used during the seven day waiting period before Workers' Compensation benefits begin.

Section 13. Sick Leave: Accrual Rate, Accumulation, and Manner of Taking

Sick leave shall accrue at a rate of one day per month of service or twelve days per year. Sick leave for full-time employees working other than the basic work schedule shall be pro-rated as described in this Article.

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Notification of the desire to take sick leave shall be submitted to the employees' supervisor prior to the leave or prior to the beginning of the scheduled workday. An employee who works in shifts must notify his/her supervisor of the desire to take sick leave prior to leave or prior to the beginning of the scheduled workday. Failure to notify the appropriate supervisor may result in disciplinary action.

The minimum amount of sick leave that may be taken is one half hour.

Sick leave will be cumulative for an indefinite period of time and may be converted upon retirement for service credit consistent with the provisions of the North Carolina Local Governmental Employees' Retirement System.

All sick leave accumulated by an employee shall end and terminate without compensation when the employee resigns or is separated from the Town, except as stated for employees retiring or terminated due to reduction in force or sick leave incentive pay.

Sick Leave Incentive Pay

Regular full and part-time employees who have worked for the Town for at least 2 years are eligible for incentive pay as of the 31st day of December. Incentive pay will be based on the number of sick days used per year according to the following schedule:

Sick Leave Taken	Incentive Pay
0 Days	2.0 Day's Pay
1 Day	1.5 Day's Pay
2 Days	1.0 Day's Pay
3 Days	0.5 Day's Pay

The maximum incentive pay will be two day's pay. The amount of sick leave accumulated for the year will be unchanged by any sick leave incentive pay.

Section 14. Transfer of Sick Leave from Previous Employer

The Town will accept the transfer of sick leave for employees from other employers who are participants of the North Carolina Local Governmental or State Employees Retirement System and the employee did not withdraw their accumulated contributions from the retirement system. The sick leave will be treated as though it were earned with the Town of Farmville. The sick leave amount must be certified by the previous employer and it is the employee's responsibility to provide documentation from their previous employer within three (3) months of employment. This sick leave may be taken after the employee successfully completes the initial hire probationary period.

Section 15. Sick Leave: Medical Certification

The employee's department head may require a physician's certificate stating the nature of the employee's or employee's family member's illness and the employee's capacity to resume duties, for each occasion on which an employee uses sick leave or whenever the supervisor observes a "pattern of absenteeism." The employee may be required to submit to such medical examination or inquiry as the Department Head deems desirable. The Department Head shall be responsible for the application of this provision to the end that:

- 1) Employees shall not be on duty when they might endanger their health or the health of other employees; and
- 2) There will be no abuse of leave privileges.

Claiming sick leave under false pretense to obtain a day off with pay shall subject the employee to disciplinary action up to and including dismissal.

Section 16. Leave Pro-rated

Holiday, vacation, and sick leave earned by full-time and part-time employees with fewer or more hours than the basic work week shall be determined by the following formula:

- 1) The number of hours worked by such employees shall be divided by the number of hours in the basic work week (usually 40 hours).
- 2) The proportion obtained in step 1 shall be multiplied by the number of hours of leave earned annually by employees working the basic work week.
- 3) The number of hours in step 2 divided by 12 shall be the number of hours of leave earned monthly by the employees concerned, divided by 52 shall be the number of hours of leave earned per weekly payroll period.

This means, for example, that law enforcement officers scheduled for an annual average 42 hour week earn 8.4 hours for each day of sick, vacation, or holiday leave they earn.

Section 17. Family and Medical Leave

The Family and Medical Leave Act (FMLA) is a federal law that entitles eligible employees to take job-protected, unpaid leave for specific, qualifying personal, family and/or military support needs. Eligible employees are entitled to job restoration rights and maintenance of group health

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care coverage while absent from work due to an event defined as a qualifying reason under the Family Medical Leave Act.

An eligible employee's health benefits must be maintained during any period of leave under the same conditions as if he or she continued to work and he or she must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment upon returning from leave.

FMLA Leave Administrative Guidelines:

Eligible Employee

An eligible employee is an employee who has completed:

A. A total of twelve (12) months of employment with the Town (not necessarily consecutive months), without a break in service that exceeds seven years, unless the break in service was due to the employee fulfilling their National Guard or Reserve military service obligations,

And;

B. At least 1,250 compensable service hours during the consecutive twelve (12) month period immediately preceding the commencement of leave. The employee must have actually worked 1,250 hours. Military leave counts as hours worked.

Qualifying Reasons Covered Under the Act

Eligible employees are entitled to Family and Medical Leave for any of the following reasons, defined as "qualifying reasons":

A. Birth of the employee's son or daughter and to care for the newborn child.

B. Adoption of a son or daughter by the employee or placement of a son or daughter with the employee and to care for the newly adopted or placed child.

C. Serious health condition of the employee which makes the employee unable to perform one or more of the essential functions of their job.

D. Serious health condition of the employee's qualifying family member. Qualifying family members are the employee's spouse, son, daughter or parent.

E. A qualifying exigency as defined in this policy.

F. To care for a covered service member with a serious injury or illness sustained while on active duty.

Details Regarding Qualifying Reasons

A. Birth

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Eligible employees are entitled to FMLA leave for pregnancy or birth of a child as follows:

1. Both the mother and the father are entitled to FMLA leave to be with the healthy newborn child (i.e. bonding time).
2. An employee's entitlement to leave for a birth expires at the end of the 12-month period beginning on the date of the birth.
3. An eligible employee may use FMLA leave intermittently or on a reduced schedule after the birth to be with a healthy newborn child only if the employer agrees; otherwise the leave must be all taken at once.
4. A husband and wife who are both employed by the Town are limited to a combined total of 12 weeks of leave to care for a healthy newborn child unless one spouse is ineligible for FMLA leave, in which case the eligible spouse is entitled to the full 12 weeks.
5. A husband and wife, who are both eligible employees, are each entitled to 12 weeks to care for a newborn child with a serious health condition.
6. A mother is entitled to FMLA leave for incapacity due to pregnancy, prenatal care, or her own serious health condition. Circumstances may require that FMLA leave begin before the date of birth, for example, for prenatal care. The mother is entitled to leave for incapacity due to pregnancy even though she does not receive treatment from a health care provider during the absence, and even if the absence does not last for more than three consecutive days; for example, due to severe morning sickness. Note: FMLA leave used before birth reduces the amount of FMLA leave available after the birth. Total entitlement is still 12 workweeks combined for all qualifying reasons excluding the use of FMLA leave to care for an injured service member.
7. A father is eligible for FMLA leave to care for his pregnant spouse during her prenatal period or if she is incapacitated, or if needed to care for her following the birth of a child if she has a serious health condition.

B. Adoption or Placement of a Child

Eligible employees are entitled to FMLA leave for the adoption or placement for foster care of a son or daughter as follows:

1. An employee's entitlement to leave expires at the end of the 12-month period beginning on the date of the adoption or placement.
2. However, FMLA leave before the actual adoption or placement may be required. Absences before or after the adoption or placement of a child qualify as FMLA leave as long as the absences are associated with the adoption or placement activities.
3. A husband and wife who are both employed by the Town are limited to a combined total of 12 weeks of leave to care for a healthy newly adopted or placed child unless one spouse is ineligible for FMLA leave, in which case the eligible spouse is entitled to the full 12 weeks.
4. A husband and wife are entitled to 12 workweeks each to care for an adopted or foster child with a serious health condition.

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5. An eligible employee may use intermittent or reduced schedule leave after the adoption or placement to be with a healthy adopted or foster child only if the employer agrees; otherwise the leave must be taken all at once.

C. Serious Health Condition of the Employee

An employee is eligible for FMLA leave due to their own serious health condition.

1. A serious health condition as defined in the Family and Medical Leave Act means an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment.
2. Inpatient care means an overnight stay in a hospital, hospice, or residential medical care facility.
3. Continuing treatment includes one or more of the following: A period of incapacity of more than three consecutive, full calendar days and any subsequent treatment or period of incapacity relating to the same condition that also involves treatment two or more times, within 30 days of the first day of incapacity (absent extenuating circumstances) by a health care provider (or nurse under the direct supervision of a health care provider, or by a provider under orders of or on referral by a health care provider; example: physical therapist). Treatment means an in-person visit to a health care provider. The first or only treatment visit must take place within seven days of the first day of incapacity. A period of incapacity due to pregnancy or prenatal care is considered a serious health condition.
4. Chronic conditions, meaning a condition that requires periodic visits at least twice per year for treatment by a health care provider. The condition continues over an extended period of time and may cause episodic rather than a continuing period of incapacity. Examples: asthma, diabetes, epilepsy, etc.
5. Permanent or long-term conditions for which the employee or their qualifying family member is under the continuing supervision of a health care provider, but may not be receiving active treatment due to treatment not being effective.
6. Conditions requiring multiple treatments.
7. Restorative surgery after an accident or other injury.

D. Serious Health Condition of the Employee's Qualifying Family Member

1. An employee is eligible for FMLA leave when he or she is needed to care for a qualifying family member (spouse, son, daughter or parent) with a serious health condition when the family member is incapable of self-care.
2. "Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three or more of daily living activities or instrumental activities of daily living. Examples of daily living activities are: grooming,

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hygiene care, bathing, dressing and eating. Examples of instrumental activities of daily living are: cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using the telephone, using a post office, etc.

E. Qualifying Exigency FMLA leave

1. An employee with a “qualifying exigency” may qualify for up to 12 workweeks of unpaid FMLA leave. A “qualifying exigency” may arise when a qualifying family member (spouse, son, daughter or parent of the employee) is in the (i) National Guard; (ii) the military reserves; or (iii) who is retired military personnel, and who has been notified of an impending call or order to active duty in support of a contingency operation. It does not apply to regular armed forces duty and it does not apply to monthly or other regularly-scheduled training.
 2. The types of events that constitute qualifying exigencies are: Short-notice deployment – To address issues that arise when a covered military member is notified of an impending call or order to active duty seven or fewer calendar days prior to the deployment date. Military events and related activities – To attend an official ceremony, program, or event sponsored by the military that is related to the active duty or call to active duty of a covered military member. Childcare and school activities – To arrange for alternative childcare when the active duty or call to active duty necessitates a change in the existing childcare arrangement. To provide childcare on an urgent immediate need basis (not on a routine, regular, or everyday basis). To enroll in or transfer children of a covered military member into school. To attend meetings with staff at a school or daycare facility (disciplinary measures, parent teacher conferences, meetings with counselors). Financial and legal arrangements – To make or update financial or legal arrangements to address the covered military member’s absence. To act as the covered military member’s representative for the purposes of obtaining, arranging or appealing military service benefits. Counseling – To attend counseling provided by someone other than a health care provider for oneself, the covered military member, or a child of the covered member provided that the need for counseling arises from the active duty or call to active duty of the military member. Rest and recuperation – To spend time with a covered military member who is on short-term, temporary, rest and recuperation leave during the period of deployment. Post-deployment activities – To attend arrival ceremonies, reintegration briefings and events, and other official ceremonies and events sponsored by the military. To address issues that arise from the death of a covered service member while on active duty status. Additional activities – To address other events that arise out of a covered military member’s active duty or call to active duty status provided that the employee and employer agree that such leave shall qualify as an exigency and agree to both the timing and duration of the leave.
- A. Military Caregiver Leave. An employee who is the spouse, son, daughter, parent or next of kin of a “covered service member” may be eligible for up to 26 workweeks of unpaid FLMA leave to care for the covered service member. The need for care includes both physical and psychological leave.

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A covered service member is defined by the FMLA as a current member of the Armed Forces, including the National Guard or Reserves or a member of the National Guard or Reserves on the temporary disability retired list, who is undergoing medical treatment, recuperation or therapy, or who has suffered a serious injury or illness in the line of duty that may render the member medically unfit to perform the duties of their office, grade, rank, or rating and/or is on outpatient status or on a temporary disability retired list for a serious injury or illness.

Next of kin is defined as the nearest blood relative other than the covered service member's spouse, son, daughter, or parent in the following order of priority: blood relatives who have been granted legal custody, brothers and sisters, grandparents, aunts and uncles and first cousins, unless the service member has designated another blood relative in writing as their next of kin. When there are multiple family members with the same level of relationship to the service member (example brothers and sisters) all of them are considered next of kin and all of them may take FMLA leave to provide care, either consecutively or simultaneously.

Military Caregiver Leave is applied on a per-covered service member, per-injury basis. This means that an eligible employee could be entitled to take more than one period of 26 workweeks of leave if the leave is to care for different service member or the same service member with a subsequent injury or illness. However, no more than one 26-week leave can be taken in the same 12-month period.

The combined total entitlement for all forms of FMLA when used during the same 12-month period in which military caregiver leave is also being used is 26 workweeks.

A husband and wife, who are both eligible employees, are both limited to a combined total of 26 workweeks of leave during the 12-month period in which FMLA leave is taken to care for an injured service member.

Leave Entitlement Up to 12 workweeks

FMLA leave entitlement for the birth, adoption or placement of a child; serious health condition of the employee or the employee's qualifying family member; or due to a qualifying exigency is limited to a total of 12 workweeks of leave during the Town's designated 12-month rolling period.

Leave Entitlement Up to 26 workweeks

Leave entitlement to care for an injured service member is up to 26 workweeks in a single 12-month period that begins on the first day the leave is taken and ends 12 months later. Therefore, FMLA leave to care for an injured service member is not on a rolling calendar; it is designated on a forward basis as of the first date the leave is taken.

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Pay While on FMLA

Leave taken under FMLA leave is unpaid. The regulations permit the Town to require employees to substitute accrued paid leave for unpaid FMLA leave and the Town does require use of accrued sick leave when an eligible employee takes FMLA leave due to a serious health condition as defined in the Act. The term “substitute” means that the unpaid FMLA leave will run concurrently with paid leave provided by the Town and accrued per the established policy.

Concurrent use of FMLA Leave and Other Leaves

Sick Leave: the Town requires concurrent use of accrued paid sick leave when an employee is on FMLA leave due to a qualifying reason that meets any one of the definitions of a serious health condition. The serious health condition may be the employee’s own, that of a qualifying family member (spouse, son, daughter or parent), or a covered qualifying service member.

Vacation Leave: An employee may elect to use accrued vacation leave only when the employee is on FMLA leave for a qualifying reason that is not considered a serious health condition or only after accrued sick leave has been exhausted.

Workers’ Compensation: When an employee has a serious health condition resulting from an injury that occurred in the course of employment, i.e. workers’ compensation, the Town will run unpaid FMLA leave concurrent with the paid workers’ compensation benefit. The Town may not require employees to use accrued, paid leaves (such as accrued sick leave or accrued vacation leave) while simultaneously using a paid disability benefit. If an employee is on workers’ compensation and returns to a “light duty” job or assignment, the hours worked while on “light duty” do not count against the employees FMLA leave entitlement.

FMLA Leave During Weeks with a Holiday: When an employee is using FMLA leave in weekly increments, and there is a holiday in a week that the employee is out on leave, the entire week is counted as FMLA. If an employee is using FMLA in increments less than a week, the holiday is not counted toward the employee’s FMLA entitlement unless the employee normally works holidays and did not work that holiday because he or she was using FMLA leave.

Family Medical Leave Administration

FMLA Accounting Measurements

The overarching measure of FMLA is in terms of “workweeks”. The employee’s actual workweek is the basis for leave entitlement. When an employee works a part-time schedule or variable hours, the amount of FMLA leave that an employee uses is determined on a pro rata basis. For example, assuming a qualifying reason that is not due to a need to care for an injured service member, if an employee has a scheduled workweek of 30 hours per week, their FMLA entitlement is 12 workweeks times 30 hours which is 360 hours per the designated 12-month period.

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Intermittent or Reduced Schedule Leaves

FMLA leave can be taken intermittently or on a reduced work schedule if there is a medical need. Intermittent leave is taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule reduces an employee's usual number of working hours per workweek, or hours per workday.

A reduced schedule is a change in the employee's schedule for a period of time. When an employee takes a leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the employee's leave entitlement. If leave is used intermittently or on a reduced schedule, the Town reserves the right to temporarily transfer the employee to another position for which the employee is qualified, and which better accommodates recurring periods of leave.

Calculation of the 12-month Periods

The Town's designated 12-month period is a "rolling" 12-month period. With the exception of leave to care for an injured service member, the rolling 12-month period is used to track FMLA hours used. The rolling 12-month period is measured backwards from each date an employee requests FMLA leave.

When FMLA leave is used to provide care for a covered service member, i.e. Military Caregiver Leave, the time taken for such leave shall be calculated on a forward basis beginning on the first date that the leave is taken to care for the covered service member and ending 12 months from the first date of use.

Employee Responsibilities

- A. When an employee requests FMLA leave, he or she is not required to expressly mention FMLA; however, the employee must provide sufficient information as to allow the Town the ability to determine whether the leave qualifies. The employee also has a responsibility to respond to the Town's questions designed to determine whether an absence qualifies as FMLA leave.
- B. An employee must inform their supervisor thirty (30) days in advance of the qualifying reason for a foreseeable FMLA absence or tardiness and may be required to submit applicable certification within a specified time period.
- C. For an emergency FMLA absence or tardiness, the employee must inform their supervisor of the qualifying reason as soon as practicable after learning of the need for leave (and, if requested, verify the reason within a specified time period). "As soon as practicable" means as soon as both possible and practical, taking into account all of the facts and circumstances.

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- D. For an extension of requested leave, the employee must inform their supervisor of the qualifying reason for extension as soon as practicable.
- E. If the leave is based on planned medical treatment, an employee must make reasonable efforts to schedule the treatment so as not to disrupt the Town's operations, subject to the approval of the health care provider. If recurring periods of leave are needed, the Town may require the employee to transfer temporarily to an alternative position for which the employee is qualified and that has equivalent pay and benefits.
- F. An employee is required to submit a certification upon request from their supervisor. The certification is at the employee's expense and must be submitted to the Town no later than 15 calendar days after the request for leave. A simple doctor's statement is not sufficient under this policy. Any period of absence that does not meet an FMLA qualifying event may result in disciplinary action.
- G. The employee must give their supervisor reasonable notice (i.e. within two (2) business days) of their ability to return to work. Any absence not meeting the FMLA employee notice or certification requirements is subject to the Town's attendance policy, without protection of this Policy or FMLA provisions and could result in disciplinary action.

Employer Responsibilities

Maintenance of Group Health Care Benefits

- A. The Town will maintain group health coverage for the duration of the FMLA leave and under the conditions coverage would have been provided if the employee had remained in active service. Employees must continue to pay the employee's share of the total health care premium.
- B. If the employee fails to pay their share of the premium, the Town will provide written notice stating that coverage will be canceled unless the premium is paid by a specified date.
- C. Upon reinstatement, the employee will be restored to coverage under all employee benefit plans in which he/she was participating in the last regular job held prior to the FMLA leave, unless the employee has changed their election. Cancellation for nonpayment of premiums during FMLA leave does not affect restoration of benefits, but will result in nonpayment of claims incurred during the time that required employee contribution were not paid.
- D. If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employee's rights to maintenance of group health care coverage will cease upon effective date of layoff. The employee may qualify for medical coverage under COBRA.

Job Restoration

- A. If an employee is capable of performing all essential functions of their last regular job, the Town will return the employee to their last regular job or to an equivalent position with equivalent employment benefits, pay and other terms and conditions. Refusals of an offer of reinstatement will be treated as a voluntary resignation.
- B. If the employee is unable to perform the essential functions of their last regular position at the end of the FMLA leave due to a disability, as defined by the Americans with Disabilities Act, the Town will investigate reasonable accommodations.
- C. An employee who fraudulently obtains FMLA leave is not protected by FMLA's job restoration or maintenance of health benefits provisions.
- D. If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employee's rights to job restoration as dictated by FMLA regulations will cease upon the effective date of layoff. The employee may apply for other vacant positions.

Employer Notifications

The Town is responsible for properly notifying and designating FMLA leave requests. When an employee requests FMLA leave or when a supervisor or any other department administrator acquires knowledge that an employee may have a need for leave due to any one of the FMLA qualifying reasons, the Town must notify the employee of their eligibility to take FMLA leave.

A. Requirements of Notice of FMLA Eligibility and Notice of FMLA Designation

- 1. Five (5) business days: When a supervisor becomes aware of a potential need or potential request for FMLA leave, the supervisor must respond to the employee within five (5) business days from the request or if the leave was unforeseeable within five (5) days of the event, absent extenuating circumstances.

The designation may initially be done orally and should subsequently be followed up in writing. If the employee is already absent, notice should be sent to the employee's home address on record.

- 2. FMLA eligibility: The content of the notice must specifically state if the employee is or is not eligible for FMLA leave. If the supervisor does not know, he or she may provisionally grant FMLA leave conditioned on certification or verification.

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3. State a reason: If the employee is not eligible, the supervisor must provide at least one reason why the employee is not eligible. Common reasons why an employee is not eligible are: the employee does not meet the twelve months length of employment eligibility requirement or the requirement to have worked 1,250 hours over the previous twelve months; or the employee may have exhausted their annual FMLA leave entitlement; or the event is not a qualifying event; or the family member is not a qualifying family member. There may be other reasons. Those listed are the most common reasons.
4. Amount of leave: The supervisor must notify the employee of the amount of leave counted against the employee's FMLA leave entitlement.
5. Fitness-for-duty: If the employee is required to have a Fitness-For-Duty evaluation (FFD) prior to being able to return to work, the supervisor must state that requirement when the FMLA leave is designated and the FFD certification may only be with regard to the particular health condition that caused the employee's need for FMLA leave. In addition, this requirement must be uniformly applied for similar-situated employees (i.e. same job function). If there is a requirement that the FFD addresses the employee's ability to perform the essential functions of the employee's position, the supervisor must include a list of the essential functions of the employee's position with the FMLA designation notice.
6. Medical Certification: Supervisors may request medical certification or other forms of leave verification; however, the request must be made in writing.
 - a) In the event that the Supervisor did not request certification when the leave was designated, the Supervisor may make the request for certification at a later date. The employee has 15 calendar days to comply with the Supervisor's request, unless it is not practicable under the particular circumstances.
 - b) The employee must provide a complete and sufficient certification when a medical certification is requested by the Supervisor. If the Supervisor deems the certification to be incomplete and insufficient, the Supervisor must advise the employee of such and state in writing what additional information is necessary to make the certification complete and sufficient. Additionally, the employee has seven (7) calendar days to re-submit a complete and sufficient certification. "Incomplete" means one or more of the applicable entries have not been completed. "Insufficient" means the information provided is vague, ambiguous, or non-responsive.
 - c) Supervisors may not ask the health care provider for additional information beyond that required.
 - d) For the purposes of Military Caregiver Leave medical certifications may be obtained from any one of the following health care providers: United States Department of Defense, United States Department of Veteran Affairs, or a Department of Defense authorized, private network or non-network TRICARE provider.
 - e) The employee bears the cost of certifications. Supervisors may require verification of family relationship.

B. Clarification and authentication of medical certifications

“Authentication” means providing the health care provider with a copy of the certification and requesting verification that the information contained on the certification form was completed and/or authorized by the health care provider who signed the document.

“Clarification” means contacting the health care provider to understand the handwriting on the medical certification or to understand the meaning of a response. No additional medical information may be requested.

1. If an employee submits a complete and sufficient certification signed by the health care provider, the Supervisor may not request additional information from the health care provider. However, the Supervisor may contact the health care provider for clarification or authentication after giving the employee (7) calendar days to correct any deficiencies.
2. To make such contact, the Supervisor must use a healthcare provider, human resources professional, a leave administrator, or a management official. Under no circumstance may the employee’s direct supervisor contact the employee’s health care provider; 29 CFR § 825.307.
3. The requirements of the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule must be satisfied when individually-identifiable health information of an employee is shared with the Supervisor. The employee may provide this authorization, release, or waiver allowing the Supervisor to communicate directly with the health care provider. The Supervisor may not require the employee to provide such an authorization, release, or waiver. It remains the employee’s responsibility to provide the Supervisor with a complete and sufficient certification. Failure to do so may result in the denial of FMLA leave.

Recertification

The Supervisor may request recertification no more often than every 30 days. If the medical certification indicates that the minimum duration of the condition is more than 30 days, the Supervisor must wait until that minimum duration expires before requesting recertification, unless the employee requests an extension of leave, or circumstances described by the previous certification have changed significantly, or if the Supervisor receives information that casts doubt upon the employee’s stated reason for the absence or the continuing validity of the certification. In all cases, a Supervisor may request a recertification of a medical condition every six months.

Other Departmental Requirements

The Supervisor is required to provide written notice of other specific expectations and obligations of the employee such as the Supervisor’s procedures regarding calling-in to update an absence.

Retroactive Designation

Retroactive designation is permitted if the lack of timely notice, within five (5) business days, does not cause harm or injury to the employee.

Second and Third Opinions

The Supervisor may require the employee to obtain a second or third opinion at the Town's expense if there is reason to doubt the validity of the medical certification. Second and third opinions are at the expense of the Town. For second opinions the Town is permitted to designate the health care provider; however, the provider may not be one that regularly contracts with the Town. If the opinions of the initial opinion and the second opinion differ then the Town may require a third opinion. The third health care provider must be designated or approved jointly by the employer and the employee.

Retention of Notifications

As a public employer FMLA records for specific employees meet one of the categories of a Personnel Record and must be maintained for 30 years post separation per the Personnel Records Standard of the North Carolina Municipal Records Retention and Disposition Schedule.

Separate and Confidential Maintenance of Medical Records

Medical certifications, re-certifications, or medical histories of employees furnished to the Town for FMLA purposes are to be maintained in separate files and treated as confidential medical records with restricted access.

Forms

FMLA administration forms may be placed on the Town's Intranet site or are available in Human Resources, to assist Supervisors in administering FMLA leave.

Glossary of Key Terms

Active duty or call to active duty: Duty under a call or order to active duty or notification of an impending call or order to active duty in support of a contingency operation pursuant to Section 688 of Title 10 of the United States Code.

Covered service member: A member of the Armed Forces, including the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, or is otherwise still on outpatient status or on a temporary disability retired list for a serious injury or illness.

Health care provider: A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; any other person determined by the Secretary of Labor to be capable of providing health care services. In general terms, a health care

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provider is any health care provider accepted by our insurance plan. Examples are: Licensed doctor of medicine or osteopathy, Clinical Social Workers, Podiatrists, Dentists, Clinical Psychologists, Optometrists, Chiropractors, Nurse practitioners, Midwives, Christian Science practitioners

In loco parentis: Includes persons who assume day-to-day responsibilities to care for and financially support a child. A biological or legal relationship is not necessary.

Parent: A biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the employee when the employee was a son or daughter as defined in this policy. This term does not include parents "in law."

Parent of a covered service member: A covered service member's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered service member. This term does not include parents "in law."

Son or daughter: A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability at the time that FMLA leave is to begin.

Son or daughter on active duty or call to active duty: The employee's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the employee stood in loco parentis, who is on active duty or call to active duty status, and who is of any age.

Spouse: a husband or wife as defined or recognized under State law for the purposes of marriage in the State where the employee resides.

Workweek: For the purposes of administering this policy, the "workweek" will be calculated based on the eligible employee's actual workweek, including any mandatory overtime. Employees with variable hours will have the "workweek" based on the average hours worked during the 12 weeks prior to leave.

Section 18. Leave Without Pay

A full or part-time employee may be granted a leave of absence without pay for a period of up to 60 days by the Town Manager. The leave shall be used for reasons of personal disability after both sick leave and vacation have been exhausted, sickness or disability of immediate family members, continuation of education, special work that will permit the Town to benefit by the experience gained or the work performed, or for other reasons deemed justified by the Town Commissioners. The employee shall apply in writing to the supervisor for leave. The employee is obligated to return to duty within or at the end of the time determined appropriate by the Town Manager. Upon returning to duty after being on leave without pay, the employee shall be entitled to return

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to the same position held at the time leave was granted or to one of like classification, seniority, and pay. If the employee decides not to return to work, the supervisor shall be notified immediately. Failure to report at the expiration of a leave of absence, unless an extension has been requested, shall be considered a resignation.

Eligible employees will be required to exhaust their vacation leave, sick leave, and any accrued compensatory time prior to requesting leave without pay. The Town requires that all leave of absences qualifying for Family and Medical Leave run concurrently with the 12-week FMLA entitlement. No benefits are accrued during an unpaid leave of absence.

Section 19. Workers' Compensation Leave

Under the North Carolina Workers' Compensation Act, employees may be compensated for absence from work due to injury or illness covered by the Act, subject to the following leave provisions:

- 1) There is a mandatory 7 calendar day waiting period before Workers' Compensation salary benefits begin. For this waiting period, employees may use sick leave, vacation leave, or accrued compensatory time.
- 2) Beginning on the 8th calendar day following the injury or illness, employees who have not returned to work shall be placed in a Workers' Compensation Leave status until their return to work. Accrued leave cannot be used while in Workers' Compensation Leave status.
- 3) Employees in Workers' Compensation Leave status will retain all accumulated sick and vacation leave while receiving Workers' Compensation benefits. An employee on Workers' Compensation leave may be permitted to continue to be eligible for benefits under the Town's group insurance plans.
- 4) Upon reinstatement, an employee's salary will be computed on the basis of the last salary plus any salary increase to which the employee would have been entitled during the absence covered by Workers' Compensation benefits.
- 5) After returning to work, employees shall be required to use sick or vacation leave for any additional absences for doctor visits, physical therapy, and other required medical care except where any full or partial workday absence may be eligible for Workers' Compensation payment.
- 6) Any period of leave for a Workers' Compensation disability that qualifies as a "serious health condition" under the Family and Medical Leave Act (FMLA), will run concurrently with FMLA leave.

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- 7) The Town of Farmville's personnel policies shall continue to apply to an employee on Workers' Compensation leave in the same manner as they would apply to an employee who continues to work, or is absent while on some other form of leave.
- 8) An employee is prohibited from moonlighting or performing other outside work during any kind of leave including workers' compensation leave.
- 9) After a one-year (52-week) leave of absence on Workers' Compensation leave, employment with the Town will be terminated to allow the Town to fill the position. The employee will be eligible for rehire and given priority for qualified job openings upon a physician's statement certifying the employee's ability to return to work. The Town reserves the right to separate the employee prior to 52-weeks.

Section 20. Return to Work

Before an employee may return to work from an injury at full or light duty, the employee must provide a physician's note to his/her supervisor indicating that he/she is released and capable of resuming duties, and what, if any restrictions are in place.

If the employee retains some temporary disability after Workers' Compensation leave, which prevents successful performance in his/her original position, efforts will be made to place the employee in a Modified Duty assignment. A Modified Duty assignment is a temporary position to which an employee is assigned when he/she is unable to return to his/her regular position following an on-the-job injury or illness. The modified duty assignment temporarily addresses the restrictions placed on the employee by the treating physician. For work to be considered suitable modified employment, the following conditions must be met:

- 1) The employee must meet the required qualifications for the modified duty assignment,
- 2) The work must be a meaningful and productive part of the department's operations,
- 3) The work must conform to the medical restrictions set by the medical care provider, and
- 4) The modified duty assignment and/or modified work schedule cannot exceed ninety calendar days.

If the employee's regular department is unable to meet the employee's need for modified duty, the employee's department is responsible for payment of the employee's salary and benefits while performing a Modified Duty position in a different department that has been able to meet the employee's needs. The employee placed in a Modified Duty position will be paid a salary that is equivalent to the salary of other employees holding the same position. The Town cannot guarantee placement and is under no obligation to offer or create any specific position for purposes of offering placement.

An employee may choose to accept or refuse the Return to Work (modified duty) job offer. However, an employee who refuses a Modified Duty job offer is subject to termination. Rejection of the job offer might also result in cancellation of income benefits under Workers' Compensation Insurance.

If an employee is unable to return to work at full duty after 90 calendar days, he/she may request a continuation of Modified Duty not to exceed a total of 180 calendar days in a modified capacity. Approval beyond 90 calendar days will be based upon the assessment of the employee's ability to return to full duty within the immediate future. An employee requesting an extension beyond 90 calendar days must submit updated information from the treating physician. The Town reserves the right to consider a separation of employment for any employee who is out on Workers' Compensation leave for an extended period of time thus causing hardship for the department.

Section 21. Military Leave

This regulation is promulgated pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). Leave shall be granted to employees for certain periods of service in the uniformed services. The Town shall not discriminate against any employee or applicant for employment because of their membership, application for membership, performance of service, application for service or obligation for service in the Uniformed Services.

Covered Employees

Full-time or part-time (half-time or more) regular, probationary, and trainee employees are eligible for military leave.

Temporary and part-time (less than half-time) are not eligible for military leave.

Types of Military Leave

The policy and guidelines that follow are presented in six different subsections to differentiate between the benefits applicable to the different types of leave. The sixth subsection covers reinstatement.

- A –Active Duty Training and Inactive Duty Training
- B - Physical Examination
- C - Reserve Active Duty
- D - Extended Active Duty and Other Military Leave without Pay
- E - Civil Air Patrol and County Defense Militia
- F – Reinstatement

A. ACTIVE DUTY TRAINING AND INACTIVE DUTY TRAINING

1. Leave Options

Leave with pay, up to a maximum of 90 hours each calendar year (pro-rated for part-time employees) shall be granted to members of the uniformed services for:

- (a) Active duty for training (annual training or special schools, including an authorized training program for the National Disaster Medical System)
- (b) Inactive duty training (drills - usually on weekends)

If the drill is not scheduled on the employee's off-day, the employee has the option of requesting that the work schedule be rearranged, or the employee may use any unused portion of the 90 hours leave with pay, vacation leave or leave without pay.

Additional military leave needed for training shall be charged to vacation leave or leave without pay at the discretion of the employee.

When a military obligation is less than 31 days an employee is authorized eight (8) hours recoup time before and after performance of military duties or military training. This time may also be charged to the 90 hours leave with pay, leave without pay or vacation leave. Example: An employee may be scheduled on a Friday, to take a convoy to a specific site. If significant travel is required, the employee may need to be released early on the day before training in order to accommodate the request for travel and reasonable rest. The employee is to return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an 8 hour rest period. If an employee has accrued holiday or compensatory time, it shall be taken before vacation leave.

2. Notification

The Town may require the employee to provide notification of upcoming duty and/or schedule changes as soon as known.

B. PHYSICAL EXAMINATION

Leave with pay shall be granted for a required physical examination relating to membership in the uniformed services.

C. RESERVE ACTIVE DUTY

1. Compensation

When ordered to State or Federal active duty, or as an intermittent disaster-response appointee upon activation of the National Disaster Medical System, the following shall apply for each period of involuntary service:

- (a) Members shall receive up to thirty (30) calendar days of pay based on the employee's current annual salary. This includes special activities of the National Guard, usually not exceeding one day, when so authorized by the Governor or their authorized

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representative.

(b) After the thirty-day period, members shall receive differential pay for any period of involuntary service. This pay shall be the difference between military basic pay and the employee's annual Town salary, if military pay is the lesser.

When attending special activities of the National Guard, members shall receive up to one day of pay, when attendance at the special activity is authorized by the Governor or their authorized representative.

It is assumed that an employee had at least satisfactory performance when placed on military leave; therefore, any cost-of-living adjustment should be included in the differential pay. The addition of career growth adjustments or performance bonuses is determined in the same manner as any employee on leave without pay. If an employee was otherwise not entitled to any benefits conferred by law because of unsatisfactory job performance supported by the previous rating on a performance appraisal, the employee does not become eligible to receive those benefits simply by being placed on military leave.

2. Notification Required for Full Pay or Differential Pay

The Town shall require the employee, or an appropriate officer of the uniformed service in which such service is performed, to provide written or verbal notice of any service. For periods eligible for military leave with differential pay, the Town shall require the employee to provide a copy of their Leave and Earnings statement or similar document covering the period eligible for differential pay.

3. Leave Options

Prior to the 30 days of full pay and the differential pay, the employee may choose to have accumulated vacation leave paid in a lump sum (maximum of 240 hours of vacation leave), exhausted, or retained (part or all) until return. The employee shall retain any unused sick leave.

FLSA Non-Exempt employees may exhaust any compensatory time prior to exhausting leave or it may be paid in a lump sum.

4. Benefits

- (a) **Service Credit** - During the period of reserve active duty, whether receiving full pay, differential pay, or no pay, the employee shall not incur any loss of total service.
- (b) **Longevity** - If eligible, the employee shall continue to be paid longevity payments during the period of reserve active duty.
- (c) **Leave** - The employee shall continue to accumulate sick and vacation leave. If the employee does not return to employment, vacation leave earned while on reserve

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active duty will be paid in accordance with the Vacation Leave Policy.

- (d) **Retirement** - The employee shall receive retirement service credit for periods of service authorized in the Retirement System statute. (See Retirement System Handbook for further details.)
- (e) Effective July 1, 2009, differential pay meets the statutory definition of "compensation" for retirement purposes. Thus, retirement contributions should be reported to the Retirement System on differential pay.
- (f) **Health Insurance** - When on State duty, the Town continues to pay for health coverage for members of the National Guard. When on Federal active duty, the Town will pay for coverage in the Agency's Health Plan for at least 30 days from the date of active service pursuant to the orders. Partial premiums are not accepted; therefore, if a full premium is paid to cover a partial month, coverage will also continue to the end of that month. If the employee chooses to exhaust vacation leave, the Town also pays for coverage while exhausting leave.

D. EXTENDED ACTIVE DUTY AND OTHER MILITARY LEAVE WITHOUT PAY

Military leave without pay shall be granted for all uniformed service duty that is not covered by military leave with pay. Among the reasons are:

1. Initial active duty for training (voluntary initial enlistment);
2. Extended active duty (voluntary) for a period not to exceed five years plus any additional service imposed by law; (see Advisory Note on next page)
3. Full time National Guard duty (usually a voluntary 3 year contract);
4. While awaiting entry into active duty, such period as may be reasonable to enable the employee to address personal matters prior to such extended active duty.
5. The period immediately following eligible period(s), as defined under "Reinstatement" of this policy, while reinstatement with the Town is pending, provided the employee applies for such reinstatement within the time limits defined. It is the employee's responsibility to apply for reinstatement within the defined time limit.
6. Employees hospitalized for, or convalescing from, an injury or illness incurred in, or aggravated during the performance of extended active duty, except that such period shall not exceed two years beyond their release from extended active duty under honorable conditions. Also, the employee shall be entitled to leave without pay for the period from the time of release by the physician until actually reinstated in the Town's employment, provided the employee applies for such reinstatement within the time limits defined.
7. Duties resulting from disciplinary action imposed by military authorities;
8. Inactive duty training (drills) performed for the convenience of the member, such as equivalent training, split unit assemblies, make-up drills, etc.

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Agencies are not required to excuse an employee for incidental military activities such as volunteer work at military facilities (not in duty status), unofficial military activities, etc., unless otherwise permitted by this policy.

The following types do not count toward the cumulative 5-year limit of military service a person can perform while retaining reemployment rights.

1. Unable (through no fault of the individual) to obtain release from service or service in excess of 5 years to fulfill an initial period of obligated service.
2. Required drills and annual training and other training duty certified by the military to be necessary for professional development or skill training/retraining, or
3. Service performed during time of war or national emergency or for other critical missions/contingencies/military requirements.

Notification

The Town shall require the employee, or an appropriate officer of the uniformed service in which such service is performed, to provide written or verbal notice of service.

Leave Options

Prior to going on LWOP, the employee may choose to have accumulated vacation leave paid in a lump sum (maximum of 240 hours of vacation leave), exhausted, or retained (part or all) until return. The employee shall retain any unused sick leave.

FLSA Non-Exempt employees must exhaust any compensatory time prior to exhausting any other leave or it may be paid in a lump sum.

Benefits

Service Credit - During periods eligible for military leave without pay, the employee shall continue to earn time toward total service if reinstated within the time limits outlined in the Reinstatement Section.

Longevity - If eligible, a longevity payment computed on a prorated basis shall be paid. The balance will be paid when the employee returns and completes a full year. Then, a full payment will be made on the employee's longevity date that was established before going on leave without pay.

Leave - The employee shall not accumulate vacation or sick leave. Leave is earned only when the employee is on leave with pay or on reserve active duty.

Retirement - The employee shall receive retirement service credit for periods of service authorized in the Retirement System statute. (See Retirement System Handbook for further details.)

Health Insurance – The Town will pay for health insurance coverage for at least 30 days from the date of active service pursuant to the orders. If the employee chooses to exhaust vacation

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leave, the Town also pays for coverage while exhausting leave. Partial premiums are not accepted; therefore, if a full premium is paid to cover a partial month, coverage will also continue to the end of that month.

E. CIVIL AIR PATROL AND COUNTY DEFENSE MILITIA

1. Civil Air Patrol

While the Civil Air Patrol is not a reserve component, it is an auxiliary to the Air Force. Its members are not subject to obligatory service. When performing missions or encampments, authorized and requested by the U.S. Air Force or emergency missions for the State at the request of the Governor or the Secretary, Department of Crime Control and Public Safety, its members are entitled to military leave with pay not to exceed 90 hours (prorated for part-time employees) in any calendar year. Exceptions may be granted by the Governor. Such service may be verified by the Secretary of the Department of CCPS upon request by the Town. Regularly scheduled unit training assemblies, usually occurring on weekends are not acceptable for military leave, however, employing agencies are encouraged to arrange work schedules to allow employees to attend this training.

2. State Defense Militia

The State Defense Militia is considered a reserve to the National Guard, but it is not a reserve component of the U. S. Armed Forces. Its members are not subject to obligatory service unless they are assigned to a unit that is ordered or called out by the Governor. Only under the following conditions are Farmville employees entitled to military leave with pay:

- a) Infrequent special activities in the interest of the State, usually not exceeding one day, when so ordered by the Governor or their authorized representative
- b) State duty for missions related to disasters, search and rescue, etc., again, only when ordered by the Governor or their authorized representative.

Under these conditions, an employee may be granted military leave not to exceed 90 hours (prorated for part-time employees) during any calendar year.

Farmville employees who are members of the State Defense Militia are not entitled to military leave with pay when volunteering for support of functions or events sponsored by civic or social organizations even though such support has been "authorized."

Regularly scheduled unit training assemblies, usually occurring on weekends, are not acceptable for military leave; however, departments are encouraged to arrange work schedules to allow the employee to attend this training.

Duty status may be verified with the Office of the Adjutant General, North Carolina National Guard, ATTN: Vice Chief of Staff - State Operations (VCSOP).

F. REINSTATEMENT

1. Reinstatement

The Town is required to provide the same treatment that would have been afforded had the employee not left to perform uniformed service. (This includes temporary employees.)

Reinstatement shall be made if the employee reports to work or applied for reinstatement within the established time limits, unless the service was terminated by the occurrence of either of the following:

- a) A separation with a dishonorable or bad conduct discharge.
- b) A separation under other than honorable conditions, as characterized pursuant to regulations prescribed by the Secretary of the applicable military branch.

Employees who resign to enter military service without knowledge of their eligibility for leave without pay and reinstatement benefits, but who are otherwise eligible, shall be reinstated as if they had applied for this benefit.

2. Time Limits

The employee shall be responsible for returning, or making application for reinstatement, within the time limits defined below.

The time limit for submitting an application for reemployment or reporting back to work depends upon the length of uniformed service. If reporting back or submitting an application for reemployment within the specified periods is impossible or unreasonable through no fault of the employee, the employee must report back or submit the application as soon as possible thereafter. The service duration and periods for returning or applying for reemployment are as follows:

- a) Less than 31 days, must return at the beginning of the next regularly scheduled work period on the first full day after release from service, taking into account safe travel home plus an 8 hour rest period;
- b) More than 30 days but less than 181 days, must submit a written or verbal application for reemployment with the agency not later than 14 days after the completion of the period of service; or,
- c) More than 180 days, by submitting an application with the agency not later than 90 days after the completion of the period of service.

3. Reinstatement Position

Reinstatement shall be to the position they would have likely achieved had they remained continuously employed (escalator position); or, if the period of uniformed service was in excess of 90 days, their escalator position, or one of like seniority, status and pay, such reemployment is to be promptly effective.

If, during military service, the employee suffers a disability incurred in, or aggravated during, uniformed service, to the extent that the duties of the escalator position cannot

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be performed, the employee shall be reinstated to a position most nearly comparable to the escalator position, with duties compatible with the disability and without loss of seniority.

4. Reinstatement Salary

The employee's salary upon reinstatement shall be based on the salary rate applicable to the proper escalator position. In no case will the reinstated employee's salary be less than when placed in a military leave status. If the employee was in trainee status at the time of military leave, the addition of trainee adjustments may be considered, at the discretion of the Human Resources Manager with concurrence of the Executive Director, if it can be determined that military experience was directly related to development in the area of work to be performed with the Town. The addition of trainee adjustments must be made if it can be shown that progression within or through such status is based merely upon the passage of time with satisfactory performance.

Section 22. Civil Leave

A Town employee called for jury duty or as a court witness for the federal or state governments, or a subdivision thereof, shall receive leave with pay for such duty during the required absence without charge to accumulated leave. The employee may keep fees and travel allowances received for jury or witness duty in addition to regular compensation; except, that employees must turn over to the Town any witness fees or travel allowance awarded by that court for court appearances in connection with official duties. While on civil leave, benefits and leave shall accrue as though on regular duty. Employees required to be in court for their own case, defendant or plaintiff, must use compensatory time or vacation leave.

Section 23. Parental School Leave

A Town employee who is a parent, guardian, or person standing in loco parentis (in place of the parent) may take up to four hours of paid leave (compensatory leave or vacation leave) annually to involve him or herself in school activities of his or her child(ren). This leave is subject to the three following conditions:

- 1) The leave must be taken at a time mutually agreed upon by the employee and the Town; and,
- 2) The Town may require the employee to request the leave in writing at least 48 hours prior to the time of the desired leave; and
- 3) The Town may require written verification from the child's school that the employee was involved at the school during the leave time.

Section 24. Educational Leave

The Town Manager may grant educational leave to an employee. Educational leave may be granted with or without pay to an employee and is limited to one course at a time (per semester, quarter, etc.).

Section 25. Adverse Emergency & Adverse Weather Pay Policy

As a governmental agency, the Town of Farmville is required to provide essential services for its citizens. The Town of Farmville recognizes the fact that Town employees are required to place their duties as an employee during the worst conditions and disasters above that of their own individual families. To properly compensate these employees for their dedication and service during these emergency conditions, the Town establishes the following pay policy:

- 1) An emergency or adverse weather condition, as declared by the Town Manager, shall initiate these pay practices:
 - a) Employees who are required to work as members of an emergency response action team shall receive 1.5 times their regular pay for all hours worked.
 - b) Employees who are not required to work as members of an emergency response action team (do not work) shall be paid as if they worked their normal schedule.
 - c) All employees on prior approved leave (vacation or sick) who do not work during the declared emergency will be unaffected by this policy, unless the employee's presence is deemed as essential and his/her vacation is cancelled by their Department Head or Town Manager.
 - d) Any employee not reporting to work, as directed by the Town Manager, shall be deemed absent without approved leave and shall be subject to disciplinary action, up to and including termination.
- 2) When a "State of Emergency" is declared by the Mayor during disaster situations:
 - a) Employees who are required to work as members of an emergency response action team shall receive 1.5 times their regular pay for all hours worked.
 - b) Employees who are not required to work as members of an emergency response action team (do not work) shall be paid as if they worked their normal schedule.
 - c) All employees on prior approved leave (vacation or sick) who do not work during the declared emergency will be unaffected by this policy, unless the employee's presence is deemed as essential and his/her vacation is cancelled by their Department Head or Town Manager.
 - d) Any employee not reporting to work, as directed by the Town Manager, shall be deemed absent without approved leave and shall be subject to disciplinary action, up to and including termination.

ARTICLE VIII. SEPARATION AND REINSTATEMENT

Section 1. Types of Separations

All separations of employees from positions in the service of the Town shall be designated as one of the following types and shall be accomplished in the manner indicated: Resignation, reduction in force, disability, voluntary retirement, dismissal, or death.

Section 2. Resignation

An employee may resign by submitting the reasons for resignation and the effective date in writing to the immediate supervisor as far in advance as possible. In all instances, the minimum notice requirement is two weeks; 30 days' notice is required for department heads. Failure to provide minimum notice shall result in forfeiture of payment for accumulated vacation unless the notice is waived upon recommendation of the Department Head and approval by the Town Manager.

Three consecutive days of absence without contacting the immediate supervisor or Department Head may be considered job abandonment and to be a voluntary resignation. Sick leave will only be approved during the final two weeks of a notice with a physician's certification or comparable documentation.

Employees must return any Town property including uniforms and equipment upon resignation.

Section 3. Reduction in Force

In the event a reduction in force becomes necessary, consideration shall be given to the quality of each employee's performance, organizational needs, and seniority in determining those employees to be retained. Employees who are separated because of a reduction in force shall be given at least two weeks' notice of the anticipated action. No regular employee shall be separated because of a reduction in force while there are temporary or probationary employees serving in the same class in the department, unless the regular employee is not willing to transfer to the position held by the temporary or probationary employee.

Section 4. Disability

An employee who cannot perform the required duties because of a physical or mental impairment may be separated for disability. Action may be initiated by the employee or the Town. In cases initiated by the employee, such action must be accompanied by medical evidence acceptable to the Town Manager. The Town may require an examination, at the Town's expense, performed by a physician of the Town's choice. The Town will make reasonable accommodation whenever possible for employees with disabilities.

Section 5. Voluntary Retirement

An employee who meets the conditions set forth under the provision of the North Carolina Local Governmental Employee's Retirement System may elect to retire and receive all benefits earned under the retirement plan.

Section 6. Death

Separation shall be effective as of the date of death. All compensation due shall be paid to the estate of the employee.

Section 7. Dismissal

An employee may be dismissed in accordance with the provisions and procedures of Article IX.

Section 8. Reinstatement

An employee who resigns while in good standing or who is separated because of reduction in force may be reinstated within one year of the date of separation, upon recommendation of the Department Head, and upon approval of the Town Manager. An employee who is reinstated in this manner shall be re-credited with his or her previously accrued sick leave and previous service.

Section 9. Rehiring

An employee who resigns while in good standing may be rehired with the approval of the Town Manager, and may be regarded as a new employee, subject to all of the provisions of rules and regulations of this Policy. An employee in good standing who is separated due to a reduction in force shall be given the first opportunity to be rehired in the same or a similar position.

Section 10. Retirement Gifts

All full-time employees are eligible to receive a retirement gift upon retirement or disability retirement after at least five (5) years of service.

Years of Service	Amount	Years of Service	Amount	Years of Service	Amount
5 to 9 Years	\$50	20 to 24 Years	\$200	31+ Years	\$500
10 to 14 Years	\$100	25 to 29 Years	\$250		
15 to 19 Years	\$175	30 Years	\$300		

The Town will contribute an additional \$150 for a retirement party to honor the retiree.

ARTICLE IX. UNSATISFACTORY JOB PERFORMANCE AND DETRIMENTAL PERSONAL CONDUCT

Section 1. Disciplinary Action for Unsatisfactory Job Performance

A regular employee may be placed on disciplinary suspension, demoted, or dismissed for unsatisfactory job performance, if after following the procedure outlined below, the employee's job performance is still deemed to be unsatisfactory. All cases of disciplinary suspension, demotion, or dismissal must be approved by the Town Manager prior to giving final notice to the employee.

Section 2. Unsatisfactory Job Performance Defined

Unsatisfactory job performance includes any aspect of the employee's job which is not performed as required to meet the standards set by the Department Head. *Examples of unsatisfactory job performance include, but are not limited to, the following:*

- 1) Demonstrated inefficiency, negligence, or incompetence in the performance of duties;
- 2) Careless, negligent or improper use of Town property or equipment;
- 3) Physical or mental incapacity to perform duties after reasonable accommodation;
- 4) Discourteous treatment of the public or other employees;
- 5) Absence without approved leave;
- 6) Repeated improper use of leave privileges;
- 7) Habitual pattern of failure to report for duty at the assigned time and place;
- 8) Failure to complete work within time frames established in work plan or work standards; or
- 9) Failure to meet work standards over a period of time.
- 10) Failure to obtain or maintain current license or certificate required as a condition of employment.
- 11) Failure to wear or use appropriate safety equipment or otherwise fail to abide by safety rules.

Section 3. Communication and Warning Procedures Preceding Disciplinary Action for Unsatisfactory Job Performance

When an employee's job performance is unsatisfactory, or when incidents or inappropriate actions warrant, the supervisor will meet with the employee as soon as possible in one or more counseling sessions to discuss specific performance problems. A brief summary of these counseling sessions will be noted in the employee's file by the supervisor. An employee whose job performance is unsatisfactory over a period of time should normally receive at least two counseling sessions followed with written warnings from the supervisor before disciplinary action, including termination, is taken. In each case, the supervisor will record the dates of discussions with the

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employee, the performance deficiencies discussed, the corrective actions recommended, and the time limits set. If the employee's performance continues to be unsatisfactory, then the supervisor should use the following steps:

- 1) A final counseling session followed by a written warning from the supervisor serving notice upon the employee that corrected and performance must take place immediately in order to avoid suspension, demotion, or dismissal.
- 2) If performance does not improve, a written recommendation should be sent to the department head or Town Manager for disciplinary action such as suspension, demotion, or dismissal.

Section 4. Disciplinary Action for Detrimental Personal Conduct

With the approval of the Town Manager, an employee may be placed on disciplinary suspension, demoted, or dismissed without prior warning for causes relating to personal conduct detrimental to Town service in order to 1) avoid undue disruption of work; 2) to protect the safety of persons or property; or 3) for other serious reasons.

Section 5. Detrimental Personal Conduct Defined

Detrimental personal conduct includes behavior of such a serious detrimental nature that the functioning of the Town may be or has been impaired; the safety of persons or property may be or have been threatened; or the laws of any government may be or have been violated. *Examples of detrimental personal conduct include, but are not limited to, the following:*

- 1) Fraud or theft;
- 2) Conviction of a felony or the entry of a plea of nolo contendere thereto;
- 3) Falsification of records for personal profit, to grant special privileges, or to obtain employment;
- 4) Willful misuse or gross negligence in the handling of Town funds;
- 5) Willful or wanton damage or destruction to property;
- 6) Willful or wanton acts that endanger the lives and property of others;
- 7) Possession of unauthorized firearms or other lethal weapons on the job;
- 8) Brutality in the performance of duties;
- 9) Reporting to work under the influence of alcohol or drugs or partaking of such while on duty. Prescribed medication may be taken within the limits set by a physician as long as medically necessary;
- 10) Engaging in incompatible employment or serving a conflicting interest;
- 11) Request or acceptance of gifts in exchange for favors or influence;

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- 12) Engaging in political activity prohibited by this policy;
- 13) Harassment of an employee or the public with threatening or obscene language and/or gestures;
- 14) Harassment of an employee(s) and/or the public on the basis of sex or any other protected class status;
- 15) Stated refusal to perform assigned duties or flagrant violation of work rules and regulations; or
- 16) Disclosure of confidential information.
- 17) Personal use of Town equipment or supplies.
- 18) Insubordination
- 19) Leaving the work area repeatedly for excessively long periods without proper authorization.
- 20) Violation of the Town's policies prohibiting sexual harassment, unlawful discrimination, retaliation, workplace violence and/or substance abuse.
- 21) Providing an untruthful statement or statements during an administrative investigation conducted by the Town and/or otherwise attempting to impede the ability of the Town to conduct an accurate and complete administrative investigation.

Section 6. Pre-dismissal Conference

Before dismissal action is taken, whether for failure in personal conduct or failure in performance of duties, the Town Manager and the Department head will conduct a pre-dismissal conference. At this conference, the employee may present any response to the proposed dismissal to the Town Manager or Department Head. The Town Manager will consider the employee's response, if any, to the proposed dismissal, and will, within three working days following the pre-dismissal conference, notify the employee in writing of the final decision. If the employee is dismissed, the notice shall contain a statement of the reasons for the action and the employee's appeal rights under the Town's grievance procedure.

Section 7. Non-Disciplinary Suspension

During the investigation, hearing, or trial of an employee on any criminal charge, or during an investigation related to alleged detrimental personal conduct, or during the course of any civil action involving an employee, when suspension would, in the opinion of the Department Head, be in the best interest of the Town, the Department Head may recommend that the Town Manager suspend the employee for part or all of the proceedings as a non-disciplinary action. In such cases, the Department Head may recommend:

- 1) Temporarily relieve the employee of all duties and responsibilities and place the employee on paid or unpaid leave for the duration of the suspension, or
- 2) Assign the employee new duties and responsibilities and allow the employee to receive such compensation as is in keeping with the new duties and responsibilities.

If the employee is reinstated following the suspension such employee shall not lose any compensation or benefits to which otherwise the employee would have been entitled had the suspension not occurred. If the employee is terminated following suspension, the employee shall not be eligible for any pay from the date of suspension; provided, however, all other benefits with the exception of accrued vacation and sick leave shall be maintained during the period of suspension.

Section 8. Substance Abuse Policy

The Town has established policies and procedures related to employee substance abuse in order to insure the safety and well-being of citizens and employees, and to comply with any state, federal, or other laws and regulations.

ARTICLE X. GRIEVANCE PROCEDURE AND ADVERSE ACTION APPEAL

Section 1. Policy

The Town is committed to providing employees an effective and responsive process for the presentation, consideration and disposition of employee grievances. The purpose of this article is to outline the procedure and to assure all employees a response to their complaints and grievances will be prompt and fair.

Employees utilizing the grievance procedures shall not be subject to retaliation or any form of harassment from supervisors or employees for exercising their rights under this policy. Supervisors or other employees who violate this policy shall be subject to disciplinary action up to and including dismissal from Town service.

Section 2. Grievance Defined

A grievance is a claim or complaint by an employee based upon an event or condition, within control of the Town, which adversely affects the circumstances under which an employee works and is allegedly caused by misinterpretation, unfair application, or lack of established policy pertaining to employment conditions. An employee filing a grievance must be actually or potentially adversely affected by the condition or event being grieved.

Section 3. Purposes of the Grievance Procedure

The purposes of the grievance procedure include, but are not limited to:

- 1) Providing employees with a procedure by which their complaints can be considered promptly, fairly, and without reprisal;
- 2) Encouraging employees to express themselves about the conditions of work which affect them as employees;
- 3) Promoting better understanding of policies, practices, and procedures which affect employees;
- 4) Increasing employees' confidence that personnel actions taken are in accordance with established, fair, and uniform policies and procedures;
- 5) Increasing the sense of responsibility exercised by supervisors in dealing with their employees.
- 6) Encouraging conflicts to be resolved between employees and supervisors who must maintain an effective future working relationship, and therefore, encouraging conflicts to be resolved at the lowest level possible of the chain of command through collaboration and/or mediation; and
- 7) Creating a work environment free of continuing conflicts, disagreements, and negative feelings about the Town or its leaders, thus freeing up employee motivation, productivity, and creativity.
- 8) Providing an opportunity for terminated employees to discuss the proper application of rules and evidence resulting in their termination.

Section 4. Procedure

When an employee has a grievance, the following successive steps are to be taken, unless otherwise provided. The number of calendar days indicated for each step should be considered the maximum, unless otherwise provided, and every effort should be made to expedite the process. However, the time limits set forth may be extended by mutual consent. The last step initiated by an employee shall be considered to be the step at which the grievance is resolved. A decision to rescind a disciplinary suspension, demotion or dismissal must be approved by the Town Manager before the decision becomes effective.

Informal Resolution. Prior to the submission of a formal grievance, the employee and supervisor should meet to discuss the problem and seek to resolve it informally. This is to ensure that the supervisor knows about and has had the opportunity to consider and investigate the problem and to resolve the problem informally before the formal grievance process is initiated. Either the employee or the supervisor may involve the Human Resources Officer/Executive Assistant as a resource to help resolve the grievance. Mediation may be used at any step in the process and is encouraged. Mediation is the neutral facilitation of the conflict between or among parties where the facilitator helps the parties find a mutually agreeable outcome. The mediator should be a party agreed upon by all parties to the grievance.

Step 1. If no resolution to the grievance is reached informally, the employee who wishes to pursue a grievance shall present the grievance to the appropriate supervisor (the person who took the action which created the grievance issue, could be immediate supervisor, department head, etc.) in writing. The grievance must be presented within seven calendar days of the event or within seven calendar days of learning of the event or condition. The written grievance should identify the action that is deemed unfair and the reason the grieving employee believes it to be unfair. The grievance should contain the following: the decision, action, or policy the employee does not agree with, on what basis the action is wrong or unfair, and the proposed resolution the employee is seeking.

The supervisor shall respond to the grievance within seven calendar days after receipt of the grievance. The supervisor should, and is encouraged to, consult with any employee of the Town in order to reach a correct, impartial, fair and equitable determination or decision concerning the grievance. Any employee consulted by the supervisor is required to cooperate to the fullest extent possible.

The response from the supervisor for each step in the formal grievance process shall be in writing and signed by the supervisor. In addition, the employee shall sign a copy to acknowledge receipt thereof. The responder at each step shall send copies of the grievance and response to the Human Resources Officer/Executive Assistant. In cases involving discrimination or harassment, which may involve the immediate supervisor or Department Head, the employee may file the grievance with the Human Resources Officer/Executive Assistant directly.

Step 2. If the grievance is not resolved by the first level supervisor to the satisfaction of the employee the employee may appeal in writing to the next level supervisor (Department Head, Town Manager, etc.) within seven calendar days after receipt of the response from Step 1. The grievance should state why the employee disagrees with the step 1 decision as well as offer a suggested resolution to the problem. The next level supervisor shall respond to the appeal stating the determination of decision within seven calendar days after receipt of the appeal.

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Step 3. If the grievance is not resolved to the satisfaction of the employee at the end of Step 2, the employee may appeal, in writing, to the Town Manager within seven calendar days after receipt of the response from Step 2. The grievance should state why the employee disagrees with the Step 2 decision as well as offer a suggested resolution to the problem. The Town Manager shall respond to the appeal, stating the determination of decision within ten calendar days after receipt of the appeal. The Town Manager's decision shall be the final decision. The Town Manager will notify the Town Commissioners of any impending legal action.

If an employee files a lawsuit, formal complaint or charge with the appropriate Federal or State agency having jurisdiction on an issue while the employee has a grievance on the same issue will end the employee's procedures under the Town's grievance procedure.

Department Heads. In the case of department heads or other employees where the Town Manager has been significantly involved in determining disciplinary action, including dismissal, the Town may wish to obtain a neutral outside party to either:

- 1) Provide mediation between the grieving department head and the Town Manager (see definition of mediation in informal resolution above); or
- 2) Consider the appeal and make recommendations back to the Town Manager concerning the appeal. Such parties might consist of human resource professionals, attorneys, mediators, or other parties appropriate to the situation.

The Town Manager's decision shall be the final decision. The Town Manager will notify the Town Commissioners of any impending legal action.

Section 5. Role of the Human Resources Officer/Executive Assistant

Throughout the grievance procedure, the role of the Human Resources Officer/Executive Assistant shall be as follows:

1. Advise parties (including employee, supervisors, and Town Manager) of their rights and responsibilities under this policy, including interpreting the grievance and other policies for consistency of application;
2. Be a clearinghouse for information and decisions in the matter including maintaining files of all grievance documents.
3. Give notices to parties concerning timetables of the process, etc.;
4. Assist employees and supervisors in drafting statements;
5. Facilitate the resolution of conflicts in the procedures or of the grievance at any step in the process; and
6. Help locate mediation or other resources as needed.

The Human Resources Officer/Executive Assistant shall also determine whether or not additional time shall be allowed to either side in unusual circumstances if the parties cannot agree upon extensions when needed or indicated.

Section 6. Grievance and Adverse Action Appeal Procedure for Discrimination

When an employee, former employee, or applicant, believes that any employment action discriminates illegally (i.e. is based on age, sex, race, color, national origin, religion, creed, political affiliation, or non-job related handicap), he or she has the right to appeal such action using the grievance procedure outlined in this Article (Section 4 above). While such persons are encouraged to use the grievance procedure, they shall also have the right to appeal directly to the Town Manager. Employment actions subject to appeal because of discrimination include promotion, training, classification, pay, disciplinary action, transfer, layoff, failure to hire, or termination of employment. An employee or applicant should appeal an alleged act of discrimination within thirty calendar days of the alleged discriminatory action, but may appeal for up to six months following the action.

Nothing in this policy is intended to discourage or prevent an employee, former employee or applicant from filing a formal charge of discrimination or other illegal action with the appropriate state or federal agency having jurisdiction.

ARTICLE XI. RECORDS AND REPORTS

Section 1. Public Information

In compliance with GS 160A-168(b), the following information, with respect to each Town employee, is a matter of public record:

- 1) Name.
- 2) Age.
- 3) Date of original employment or appointment to the service.
- 4) The terms of any contract by which the employee is employed whether written or oral, past and current, to the extent that the Town has the written contract or a record of the oral contract in its possession.
- 5) Current position.
- 6) Title.
- 7) Current salary.
- 8) Date and amount of each increase or decrease in salary with that municipality.
- 9) Date and type of each promotion, demotion, transfer, suspension, separation, or other change in position classification with that municipality.
- 10) Date and general description of the reasons for each promotion with that municipality.
- 11) Date and type of each dismissal, suspension, or demotion for disciplinary reasons taken by the municipality. If the disciplinary action was a dismissal, a copy of the written notice of the final decision of the municipality setting forth the specific acts or omissions that are the basis of the dismissal.
- 12) The office to which the employee is currently assigned.

The term "salary" includes pay, benefits, incentives, bonuses, and deferred and all other forms of compensation paid by the Town.

Any person may have access to this information for the purpose of inspection, examination, and copying, during regular business hours, subject only to such rules and regulations for the safekeeping of public records as the Town may adopt.

Section 2. Access to Confidential Records

All information contained in a Town employee's personnel file, other than the information mentioned above is confidential and shall be open to inspection only in the following instances:

- 1) The employee or his/her duly authorized agent may examine all portions of his/her personnel file except letters of reference solicited prior to employment, and information concerning a medical disability, mental or physical, that a prudent physician would not divulge to the patient.
- 2) A licensed physician designated in writing by the employee may examine the employee's medical record.

- 3) A Town employee having supervisory authority over the employee may examine all material in the employee's personnel file.
- 4) By order of a court of competent jurisdiction, any person may examine all material in the employee's personnel file.
- 5) An official of an agency of the State or Federal Government, or any political subdivision of the State, may inspect any portion of a personnel file when such inspection is deemed by the Town Manager to be necessary and essential to the pursuit of a proper function of the inspecting agency, but no information shall be divulged for the purpose of assisting in a criminal prosecution of the employee, or for the purpose of assisting in an investigation of the employee's tax liability. However, the official having custody of the personnel records may release the name, address, and telephone number from a personnel file for the purpose of assisting in a criminal investigation.
- 6) An employee may sign a written release to be placed in his/her personnel file that permits the record custodian to provide, either in person, by telephone, or by mail, information specified in the release to prospective employers, educational institutions, or other persons specified in the release.
- 7) The Town Manager, with the concurrence of the Town Commissioners, may inform any person of the employment, non-employment, promotion, demotion, suspension or other disciplinary action, reinstatement, transfer, or termination of a Town employee, and the reasons for that action. Before releasing that information, the Town Manager shall determine in writing that the release is essential to maintaining the level and quality of Town services. The written determination shall be retained in the Town Manager's office, is a record for public inspection, and shall become a part of the employee's personnel file.

Section 3. Personnel Actions

The Human Resources Officer/Executive Assistant, with the approval of the Town Manager, will prescribe necessary forms and reports for all personnel actions and will retain records necessary for the proper administration of the personnel system. The official personnel files are those which are maintained by the Human Resources Office. These files shall contain documents such as employment applications and related materials, records of personnel actions, documentation of employee warnings, disciplinary actions, performance evaluations, retirement and insurance records, letters of recommendation, and other personnel-related documents.

Section 4. Records of Former Employees

The provisions for access to records apply to former employees as they apply to present employees.

Section 5. Remedies of Employees Objecting to Material in File

An employee who objects to material in his/her file may place a statement in the file relating to the material considered to be inaccurate or misleading. The employee may seek removal of such material in accordance with established grievance procedures.

Section 6. Examining and/or Copying Confidential Material without Authorization

Section 160A-168 of the General Statutes of North Carolina provides that any person, not specifically authorized to have access to a personnel file designated as confidential, who shall knowingly and willfully examine in its official filing place, remove or copy any portion of a confidential personnel file shall be guilty of a misdemeanor and upon conviction shall be fined consistent with the General Statutes.

Section 7. Destruction of Records Regulated

No public official may destroy, sell, loan, or otherwise dispose of any public record, except in accordance with GS 121.5, without the consent of the State Department of Cultural Resources. Whoever unlawfully removes a public record from the office where it is usually kept, or whoever alters, defaces, mutilates or destroys it will be guilty of a misdemeanor and upon conviction will be fined in an amount provided in Chapter 132.3 of the North Carolina General Statutes.

Section 8. Penalties for Permitting Access to Confidential Records

Section 160A-168 of the General Statutes provides that any public official or employee who knowingly and willfully permits any person to have access to any confidential information contained in an employee personnel file, except as expressly authorized by the designated custodian, is guilty of a misdemeanor and upon conviction shall be fined in an amount consistent with the General Statutes.

ARTICLE XII. IMPLEMENTATION OF POLICIES

Section 1. Conflicting Policies Repealed

All policies, ordinances, or resolutions that conflict with the provisions of these policies are hereby repealed.

Section 2. Severability

If any provision of these policies or any rule, regulation, or order thereunder of the application of such provision to any person or circumstances is held invalid, the remainder of these policies and the application of such remaining provisions of these policies of such rules, regulations, or orders to persons or circumstances other than those held invalid will not be affected thereby.

Section 3. Effective Date

These policies shall become effective on a date approved by the Town Board of Commissioners.

Section 4. Amendments

This policy may be amended by action of the Town Board of Commissioners and by resolution appropriately approved. Any revisions or amendments adopted in conformance with this procedure shall become effective as of the date of such adoption.

Section 5. Retroactivity

Provisions regarding employment of relatives will not apply retrospectively.

Provisions regarding probationary period and probationary increases will not result in changes to employees hired or promoted and still serving a probationary period under the previous policy.

Any employees in regular part-time positions receiving full health insurance benefits prior to the implementation of this policy may be grand fathered into the higher benefit upon adoption of this policy.

APPENDIX A

DRIVING RECORD STANDARDS POLICY

Purpose

The Town of Farmville has the responsibility to ensure, to the best of its ability, all vehicle operators are properly licensed and maintain a safe driving record. Current employees, volunteers, and applicants for employment must possess an appropriate and valid North Carolina driver's license in order to maintain or be appointed to positions requiring driving duties, whether it is a town-owned/leased vehicle or privately-owned/leased vehicle. All employees and/or applicants are subject to the guidelines of this policy.

Applicants

A driving history shall be obtained on applicants who may be required to operate any Town-owned/leased vehicle or any privately owned/leased vehicle on behalf of the Town. Applicants must possess a valid North Carolina driver's license as a condition of employment when applying for positions requiring driving duties. Applications will be submitted to the hiring authority without a driving history being conducted. When the hiring authority has determined which candidates are to be interviewed, their names will be provided to Human Resources. At that time, Human Resources will conduct the applicant's driving history and provide feedback to the requestor. Applicants will not be considered for positions requiring driving duties if their driving record contains:

- Convictions for any Type A violation within the last three (3) years.
- Convictions of four (4) or more Type B violations within the last two (2) years will not be considered for employment; or three (3) or more Type B violations within one year or less.
- When an applicant's overall driving record reveals a pattern of convictions and the applicant's ability to safely operate a Town vehicle or piece of heavy equipment is questionable, the Town reserves the right to approve or disapprove the applicant based on their overall driving history.
- When an applicant's driving record is unacceptable to our current automobile insurance carrier's standards.

Current Employees

All employees who drive Town-owned/leased vehicles or privately owned/leased vehicles driven for the benefit of the Town, or operates heavy equipment on roadways, which requires a valid North Carolina driver's license, must possess and maintain such valid driver's license and safe driving record in order to retain Town driving privileges. Driving histories for all employees who drive for the benefit of the Town shall be conducted on an annual basis.

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The Human Resources Department shall conduct driving records for employees requesting to transfer into a position requiring driving duties, as well as positions identified by department managers to be utilized for driving duties, although driving is not the main function of that position.

Employees will not be permitted to operate Town-owned/leased vehicles or heavy equipment or operate a privately-owned/leased vehicle for the benefit of the Town if their driving record contains any of the following:

- Conviction for any Type A Violation within the past three (3) years.
- Conviction of four (4) or more Type B violations within the last two (2) years, or three (3) or more Type B violations within one year or less.
- When an employee's overall driving record reveals a pattern of convictions and the employee's ability to safely operate a Town vehicle or piece of heavy equipment is questionable, the Town reserves the right to approve or disapprove driving privileges based on their overall driving history.
- When an employee's driving record is unacceptable to our current automobile insurance carrier's standards.

Employees who are in positions requiring driving duties, even on a limited basis, who have their license suspended or revoked, or are issued any charge or conviction of a motor vehicle violation, shall immediately report such suspension/revocation or charge/conviction to their supervisor, who shall in turn notify the Human Resources Department.

Employees are subject to disciplinary action, dependent upon the motor vehicle violation. In cases where an employee is in a position which requires driving as a condition of employment, and such employee's license is suspended or revoked, the employee may be transferred or demoted into a non-driving position if it is available and the employee meets qualifications. If no such position exists, or a transfer or demotion is not deemed in the best interest of the Town, the employee will be subject to disciplinary action up to and including dismissal.

Type A Violations

1. Driving while impaired or under the influence of drugs or alcohol.
2. Homicide, manslaughter or assault by vehicle; or use of vehicle in commission of a felony.
3. Reckless driving/speeding contest.
4. Failure to stop (hit and run)/failure to report an accident.
5. Making a false accident report.
6. Passing a stopped school bus.
7. Driving while license is suspended or revoked.
8. Attempting to elude a police officer.
9. Permitting an unlicensed person to drive or person without proper license requirement.

Type B Violations

All other moving violations not listed as Type A Violations.

APPENDIX B

VOLUNTARY SHARED LEAVE PROGRAM STANDARD PROCEDURE

1.0 Purpose

To establish a uniform policy designed to provide an opportunity for employees to share and/or receive sick leave donations during periods of prolonged absences from work due to a medical condition, resulting in exhaustion of all paid leave.

2.0 Policy

In cases of an extended medical condition, an employee may request sick leave donations from other Town employees. Consenting employees may agree to have leave donations transferred from their accumulated sick balances to the sick account of a requesting employee.

3.0 Scope

All permanent full-time employees, whether regular or probationary, are covered by this policy.

4.0 Definitions

4.1 Extended Medical Condition: A medical condition of an employee or immediate family member, validated by a physician's statement, which requires the employee to be absent from work for more than one pay period.

4.2 Immediate Family Member: Immediate family member includes spouse, child or parent. Any exceptions must be approved by the Town Manager.

5.0 Rules/Procedures

5.1 Only full-time employees may request leave from other full-time employees.

5.2 Employees may request sick leave donations for a medical condition that is expected to extend longer than one pay period.

5.3 An employee must have exhausted all paid leave (sick, annual, compensatory time) before receiving sick leave from another employee. While using donated sick leave, employee will continue to earn vacation and sick leave.

5.4 Town employees will be notified through special announcements of an employee's request for shared leave. If no donations are received, the employee may request leave without pay.

- 5.5 Employees may not solicit leave directly from other employees under any circumstances.
- 5.6 In order to receive shared leave, a physician's certificate must be submitted to the Human Resources Officer indicating the diagnosed condition, the prognosis for recovery and the estimated date of return. The Human Resources Officer will determine as to whether the condition meets the definition of extended medical condition.
- 5.7 An employee receiving benefits from disability/worker's compensation is not eligible to request shared leave. This program will not apply to short term or sporadic conditions or illnesses or uncomplicated pregnancies. Medical emergencies related to pregnancy complications to the unborn child or mother may qualify based on medical documentation.
- 5.8 Prior to request announcements, the employee must sign a release to allow his/her request to be publicized.
- 5.9 An employee may not receive more than 1,040 hours (or an equivalent six months) for an occurrence.
- 5.10 An employee may donate up to 40 hours as long as their sick accrual does not fall below 40 after the donation.
- 5.11 An employee donating leave may not receive payment for the leave that is or has been donated.
- 5.12 Employees may only donate leave to specific qualifying employee for an extended medical condition at the time leave is requested.
- 5.13 The unused leave may be returned to the donor(s) at a pro rata share based on the amount of leave originally donated.
- 5.14 Town Manager has final authority on decisions made regarding program/policy.



Shared Leave Form

To Be Completed If Donating Leave

Employee Name _____

Employee ID # _____

Department _____

I hereby donate _____ sick hours to the following employee: _____

In making this request, I understand that my donation is voluntary and confidential. I also understand that my sick leave balance will be decreased by the amount contributed and that this amount may affect the payout of leave upon my termination and/or retirement.

In making this request, I understand that the total of my sick leave cannot drop below 40 hours after the donation.

In making this request, I also understand that any unused leave will be returned to me on a pro-rated basis (based on the total number of employees who donated to a particular individual) if the receiving employee returns to work without using all donations.

Donating Employee's Signature

Print Name

Date

(No Department Approval Required)

To Be Completed If Requesting Leave

Employee Name _____

Employee ID # _____

Department _____

Requested Leave is for the following reason:

Amount of Leave Requested: _____

☐ FMLA Forms Submitted

☐ Medical Certification Submitted

Upon approval of the Department Head, I understand that the specific information above will not be disclosed and general request for leave will be posted indicating a need due to "medical reasons."

Requesting Employee's Signature

Print Name

Date

Approvals:

Department Head Signature

Town Manager Signature

Submit Form to Human Resources upon completion.

APPENDIX C

TOBACCO AND SMOKE-FREE POLICY

Purpose: To provide a policy that will establish guidance and direction for tobacco and smoke free facilities of the Town of Farmville including all offices/vehicles/operating equipment owned by the Town of Farmville. The Town of Farmville Board of Commissioners is dedicated to providing a healthy, comfortable, and productive work environment. As an example to our employees, patrons and our community, the above named locations, vehicles, and operating equipment will be entirely tobacco and smoke-free.

Policy: It is the policy of the Town of Farmville that smoking and the use of other tobacco products is strictly prohibited, in the buildings/offices and in town owned vehicles/equipment. This policy applies to all employees, clients, contractors, vendors, students, and visitors.

Definitions:

- “Tobacco” is defined to include cigarettes, cigars, blunts, bidis, pipes, chewing tobacco, snuff and other items containing tobacco or tobacco products.
- “Tobacco use” is defined to include smoking, chewing, dipping or any other use of tobacco products.
- “Smoking” is defined as inhaling, exhaling, burning, or carrying any lighted cigar, lighted cigarette, or other lighted tobacco product in any manner or form.
- “Spit tobacco” is defined as any tobacco product that is chewed, dipped, spit, or held in the mouth in any manner or form.
- “Tobacco product” is defined to include cigarettes, cigars, blunts, bidis, pipes, chewing tobacco, snuff, and any other items containing tobacco.
- “Bidis” are small, thin hand-rolled cigarettes, often flavored, imported to the United States. They have very high concentrations of nicotine, tar, and carbon monoxide.
- “Blunts” are cigars that have been hollowed and refilled with marijuana.
- “Employee” is defined as any individual employed part-time, temporarily or full-time with the Town of Farmville.

Procedure:

1. Appropriate signage will be posted at all building entrances and on the grounds.
2. Copies of this policy will be distributed to ALL employees and employment applicants when interviewed or during their orientation.
3. Employees who use tobacco and would like to take this opportunity to quit are encouraged to participate in cessation programs.

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4. The success of this policy will depend upon the thoughtfulness, consideration, and cooperation of all staff. All individuals share in the responsibility for enforcing and adhering to the policy.
5. Any problems with enforcement or adherence to this policy should be brought to the attention of the appropriate supervisor and handled by the Town Manager. Employees who violate this policy will be subject to disciplinary actions up to and including dismissal from their job.

APPENDIX D

TECHNOLOGY USE POLICY

1. Introduction

The Town of Farmville provides staff with computer equipment and the ability to communicate and receive information using electronic mail and the Internet. The Town utilizes this technology to improve staff efficiency and communication, and to serve the public more effectively. These computer resources are the property of the Town of Farmville and should be used for appropriate business purposes only. Town employees are expected to use their access to electronic mail and the Internet in a responsible and informed way. Questions regarding acceptable use can be referred to the Systems Administrator or the Town Manager.

2. Prohibited Activities

- The following activities are strictly prohibited:
 - Any illegal activity, including, but not limited to, the transmission of copyrighted or trade secret material, obscene or threatening materials, or the participation in any type of criminal activity.
- Transmission of materials used for commercial promotion, product endorsement or political lobbying.
- Attempts to violate the Town of Farmville computer system or the computer system of any other municipality, institution, organization, company or individual.
- Software piracy, or the downloading and transferring of software for which the user does not have proper licensing.

3. Use of Computers

3.1 Authorized Use

Computers are provided for specific employees who utilize them to perform their job functions. Department Heads are responsible for determining which personnel are authorized to use each computer. Any unauthorized use of computer equipment is prohibited.

3.2 Software

The copying or installing of software programs without prior approval of the Systems Administrator or the Town Manager is prohibited.

3.3 Virus Checking

Data files such as word processing documents, spreadsheets and database files which originate from computers other than those located in a Town office must be checked for viruses before use. Users needing procedures for checking viruses should contact the Systems Administrator. The Systems Administrator may suggest additional restrictions or regulations to the Town

Manager for implementing on the importing of files from computers outside the Town's network.

3.4 Storage

Documents and data files stored on the town's computers are the property of the Town and may be accessed by authorized personnel for the purposes of, but not limited to, system maintenance, back-up, recovery, virus checking and adherence to this policy.

4. Use of Passwords

4.1 Confidentiality

Passwords should be kept confidential at all times. Employees should endeavor to create passwords that are unique and not easily discoverable.

4.2 Changing Passwords

Users should periodically change their passwords. Users needing instructions for changing their password should contact the Systems Administrator.

5. Use of Electronic Mail (Email)

5.1 Town Business

Email is an effective way to communicate with town employees and other job related contacts. Email is to be used for town business only. Email and any related on-line services, are the property of the Town of Farmville. Abuse of this privilege could result in the loss of electronic mail for the individual.

5.2 Content

Electronic mail should never be used for any illegal activity, including but not limited to, the transmission of copyrighted or trade secret material, the transmission of obscene, defamatory, or threatening material, or the propagation of any type of criminal activity. Electronic mail should also never be used to create offensive or disruptive messages or images. Among those things which are considered offensive are any messages or images which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, sexual orientation, religious or political beliefs, national origin or disability.

5.3 Public Record

Email messages are considered public record and therefore are discoverable. Users are considered the custodians of their messages and should maintain messages according to relevant public record law.

5.4 Confidentiality

Email (particularly Internet email) should be viewed as an unsecured mode of transportation. Confidential information should NEVER be sent via electronic mail. Employees should never assume that email messages or Internet postings are personal or confidential. All messages sent or received by electronic mail can be tracked by the Town's computer system. Employees are not authorized to retrieve or read messages that are not sent to them unless the intended recipient gives express permission.

5.5 Unsolicited Email

Unsolicited email received from the Internet should not be opened. The user should delete the message immediately. Never open an attachment, especially if you do not know the source. Opening unknown attachments could initiate a virus.

6. Use of Internet Browsing Software

6.1 Privileges

Internet browsing capabilities are extended to those personnel requiring access to information on the World Wide Web.

6.2 Job Functions

Browsing should be limited to Internet sites directly related to the user's job function.

6.3 Downloading

Under no circumstances should software programs be downloaded from the Internet and / or installed without the prior permission of the Systems Administrator or the Town Manager. See section 3.2.

6.4 Downloading of Documents

Careful consideration should be made before downloading data files (word-processing and spreadsheet files) from an Internet site. The reliability of the source of the document should be considered. Since harmful programs can be transmitted via documents, all documents must be checked for viruses prior to use. See section 3.3.

7. Referral to the Systems Administrator

7.1 Unusual Occurrences

All matters relating to unusual occurrences must be reported immediately to the Systems Administrator. When something unusual occurs, record information such as steps taken and warnings from the computer to aid the Systems Administrator in diagnosing the situation.

8. Sanctions

8.1 Violations

Any employee who violates this policy or uses the Town's computer system for inappropriate purposes shall be subject to disciplinary action, up to and including discharge.